

# **FREQUENTLY ASKED QUESTIONS**

## ***City of Oak Harbor Shoreline Master Program Periodic Update***



### **What is a Shoreline Master Program (SMP)?**

A SMP is a set of policies and regulations required by state law that has three basic principles:

- Encourage water-dependent uses: “uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states’ shorelines...”; and,
- Protect shoreline natural resources, including “...the land and its vegetation and wildlife, and the waters of the state and their aquatic life...”; and,
- Promote public access: “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserve to the greatest extent feasible consistent with the overall best interest of the state and the people generally.”

### **What state law requires SMP’s?**

The Washington State Shoreline Management Act was adopted by the public in a 1972 referendum “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” The Act is codified in RCW 90.58 and implemented through WAC Chapter 173-26.

### **Where does the SMP apply?**

The marine shoreline within the City of Oak Harbor includes all shorelands within 200 feet of the ordinary high water mark of Oak Harbor and Crescent Harbor within the city limits, as well as all associated wetlands that are hydraulically connected to these two waterbodies.

### **What is a periodic review of the SMP?**

The City of Oak Harbor completed a comprehensive update of its SMP in 2013. Washington state law requires a periodic review of the SMP every eight years. This periodic review is not as intensive as the 2013 effort but must focus on the following three areas:

- Review and incorporation of applicable legislative and DOE rule changes which have occurred since the last update; and,
- Ensure consistency with local plans and development regulations; and,
- Ensure the review addresses changed circumstances, new, or improved data.

The City’s timeline is to have this review complete by June 30, 2021.

### **How do shoreline regulations apply to land use and development activities?**

Shoreline regulations apply to any change in land use or development activity that occurs within the shoreline jurisdiction, as defined in the SMP. Included in those modifications and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks;
- Land development and alteration, such as clearing, grading, dredging, or filling; and,

- Other activities along the shorelines, including restoration (e.g., riparian planting, bank stabilization), trail construction, and public access.

### **How does the SMP affect existing uses and development?**

SMP regulations are not retroactive. SMP regulations apply to new development and uses. Existing uses and developments legally established may be repaired, maintained, and operated.

### **What is a shoreline exemption?**

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but are not exempt from compliance with the SMP. Exemptions are issued in writing by the City after the submission of a complete application. Even though an activity is exempt, a conditional use or variance permit may be required.

### **What is public access to shorelines? When is it required?**

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, new public access is only required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and for public uses. Public access requirements do not allow for trespass on private property and is not required as part of a new single-family residence.

### **How can I get more information?**

Additional information is provided on the City's website: [www.oakharborwa.org](http://www.oakharborwa.org).

Periodic presentations will be made to the City's Planning Commission and City Council throughout this project. A project timeline and other public participation opportunities are established in the Public Participation Plan found at: [www.oakharborwa.org](http://www.oakharborwa.org).

The City contact is:

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### **How can I submit shoreline comments or questions?**

Comments or questions may be submitted at any of the Planning Commission or City Council meetings either verbally or in writing. They may also be mailed to: Oak Harbor City Hall, 865 SE Barrington Drive, Oak Harbor, WA. 98277, Attn: Dennis Lefevre.