



DOCUMENT 3

Consistency Review of Relevant Comprehensive Plans and Development Regulations

(WAC 173-26-090(3)(b)(ii): Review relevant comprehensive plans and regulations. Local governments must review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them.

Comprehensive Planning Consistency Review

City of Oak Harbor Comprehensive Plan – A Vision for the Future, December 2016, as amended, City of Oak Harbor.

Several goals and policies support the Shoreline Master Program and intended goals.

Land Use Policy 3.e.: Enhance and protect the waterfront as an asset and implement the Waterfront Redevelopment, Branding and Marketing Program.

Land Use Policy 5.b.: Protect public view corridors.

Urban Design Policy 5.a: Consideration of building impacts on viewsheds and view corridors shall be exercised in all developments, and mitigation measures shall be applied to protect existing views.

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

Urban Design Policy 5.f.: The City and the Navy should cooperate on the protection of viewsheds and view corridors.

Open Space Goal 1.: Construct a waterfront trail system linking providing public access to the waterfront from Scenic Heights Road to Maylor Point.

Open Space Goal 8.: Identify and preserve open space lands that permit public access to the waterfront, and to other areas where the public can interact with natural features.

Open Space Goal 11.: Identify and protect important “view corridors” that provide visual access to scenic vistas.

Open Space Goal 12.: Protect open spaces that provide important ecological functions and values.

Environmental Policy 3.f.: Include stormwater management facilities to protect water quality and limit maximum discharge to pre-development rate conditions in new developments and substantial redevelopment projects.

Environmental Policy 3.h.: Provide regulations to guide corrective actions necessary to mitigate or cleanse those discharges that pollute waters of the state.

Environmental Policy 7.a.: Include the best available science in developing policies and regulations to protect the functions and values of critical areas and shorelines.

Environmental Policy 10.a.: Designate and classify critical fish and wildlife areas based on type and/or association with priority species.

Environmental Policy 10.c.: Maintain standards for buffers and timing or activity restrictions based on the habitat class and priority species use.

Environmental Policy 10.e.: Develop conservation or protection measures necessary to preserve or enhance anadromous fish habitat.

Environmental Policy 14.a.: Assure protection of the unique character of the City of Oak Harbor and its shoreline environment while providing for compatible use of the shoreline.

Environmental Policy 14.b.: Evaluate proposals for economic development along the shoreline or over the water with regard to the degree to which the natural environment and the social qualities of the city will be enhanced and/or affected. Evaluate such proposals with a preference for long-term benefits over short-term benefits. Evaluate development proposals with a preference for proposals that concentrate development in areas where current development already exists.

Environmental Policy 14.c.: Ensure safe, convenient, and diversified public access to the water and shoreline, while protecting the natural environment and maintaining quality of life.

Environmental Policy 14.d.: Designate, protect and enhance forage fish spawning areas, eelgrass, shellfish areas and shoreline areas used by bald eagles or great blue herons as fish and wildlife habitat conservation areas.

Environmental Policy 14.e.: Ensure efficient movement of people, with minimum disruption of the shoreline environment and minimum conflict between different types of uses, through transportation systems developed along the shoreline.

Environmental Policy 14.f.: Encourage diverse, water-oriented recreational opportunities that are compatible with and appropriate to the shoreline locations on which they are planned without degrading the shoreline environment.

Environmental Policy 14.g.: Conserve natural resources unique to the shoreline for the benefit of existing and future generations. Utilize the following prioritized mitigation sequence in addressing potential impacts to the natural resources associated with the shoreline when evaluating development proposals:

1. Avoid impact by not taking certain action or parts of an action.
2. Minimize impact by limiting the degree or magnitude of action by use of technology or other means.
3. Rectify impact by repair, rehabilitation, or restoration.
4. Reduce or eliminate impact over time by preservation and maintenance operations.
5. Compensate for impact by replacing, enhancing, or providing substitute resources.
6. Monitor the impact and compensation project, taking appropriate corrective measures.

Environmental Policy 14.h.: Protect and/or restore shoreline or water areas that have educational, scientific, archaeological, historic, or cultural value.

Environmental Policy 14.i.: Recognize that areas lying seaward from the line of extreme low tide of Oak Harbor Bay as shorelines of statewide significance and manage the uses along these shorelines with the recognition of their regional importance.

Page 9: **Chapter 2.B.2.b.:** The land use designations and map were restructured as part of the 2016 Comprehensive Plan Update. This change reflects the adopted designations.

City of Oak Harbor Parks, Recreation and Open Space Plan, July 2019, City of Oak Harbor.

No inconsistency with applicable SMP policy or regulations identified. Several of the plan's Open Space Goals implement Shoreline Management Act use preferences such as increasing public access and preserving the natural character of the shoreline:

Open Space Goal c.: Develop the waterfront trail into a promenade and improve the connection between the marina and downtown;

Open Space Goal h.: Identify and preserve open space lands that permit public access to the waterfront and other natural areas;

Open Space Goal j.: Identify and protect important "view corridors" that provide visual access to scenic vistas.

City of Oak Harbor Windjammer Park Integration Plan, June 2016, MWA Architects, Greenworks, Enviroissues.

No inconsistency with applicable SMP policy or regulations identified. This phased redevelopment plan has maintained a focus on the park's shoreline amenities and the public access opportunities which exist. A shoreline substantial development permit (PLN-17-14) was approved for Phase 1 development in 2017. Subsequent phase development will also require shoreline permitting any reconfiguration of the lagoon.

City of Oak Harbor, Washington – Waterfront Redevelopment, Branding & Marketing Program, March 2005, Destination Development, Inc.

No inconsistency with applicable SMP policy or regulations identified. This dated plan established recommendations to enhance Oak Harbor's tourism infrastructure. Several projects focused on City Beach Park (aka Windjammer), however, the redevelopment of this park was the focus of the later Windjammer Park Integration Plan (June 2016).

City of Oak Harbor Wastewater Facilities Plan Volume I, August 2013, Carollo Engineers.

No inconsistency with applicable SMP policy or regulations identified. As stated in this plan, there are relatively few undeveloped properties remaining within the shoreline jurisdiction within the core city area, so the majority of future development will likely involve the redevelopment of existing parcels in a manner that is consistent with the goals and policies outlined in the Shoreline Master Plan.

Consistent with this supposition and this plan's recommendations, a new clean water facility was put on-line in November 2018. The footprint of this new facility was very near the location of the replaced facility and required processing of a Shoreline Substantial Development Permit. Through this permit, the proposed development was found to be consistent with the goals and

policies of the Shoreline Management Act and the policies and regulations of the City's Shoreline Master Program.

Design Regulations & Guidelines, April 2006, City of Oak Harbor.

No inconsistency with applicable SMP policy or regulations identified. The Design Regulations and Guidelines provide recommendations for building aesthetics, landscaping and site design. Most of these recommendations may pertain to commercial and other non-residential structures potentially located in the Urban Mixed Use or Maritime Designations.

Freund Marsh Master Plan Final Report Task 8, November 1997, Adolfsen Ass., Inc.

No inconsistency with applicable SMP policy or regulations identified. This document proposed alternatives for wetland restoration, trail system & interpretive program which is consistent with uses permitted in the Conservancy environmental designation.

Oak Harbor Marina Redevelopment Program, April 2009, Peratrovich, Nottingham and Drage Engineers, Inc.

No inconsistency with applicable SMP policy or regulations identified. The plan identifies several large-scale shoreline-related projects, i.e. dock replacement, multi-use public access floats, dredging, and boat launch repair. The plan was completed prior to the comprehensive update to the 2013 SMP and has incorporated shoreline use provisions permitting these types of projects in the Maritime environmental designation. Shoreline substantial development review and permitting will likely be necessary for most marina projects.

Stormwater Management Program Plan – Compliance With NPDES Phase II Permit, March 2019, City of Oak Harbor.

Several areas in Chapters 3 and 4 have been amended for conformance with the code amendments required by the most recent NPDES Phase II permit requirements. Those amendments are identified in Document 4 “Amendments To Reflect Changing Local Circumstances, New Information, or Improved Data”. Permit conformance serves to enhance the goals of the Shoreline Management Act/Shoreline Master Program by requiring actions and activities designed to limit pollutants from entering the state's surface waters.

Oak Harbor Comprehensive Stormwater Plan, March 2020, Gray & Osborne, Inc.

No inconsistency with applicable SMP policy or regulations identified. This recently completed plan analyzes the entire stormwater system for the City. While not addressed in the stormwater plan, ecological function within the shoreline jurisdiction is inherently linked to stormwater quantity and quality produced citywide.

2017 State of the Sound, November 2017, Puget Sound Partnership.

No inconsistency with applicable SMP policy or regulations identified. This plan is produced every two years and shares progress, or setbacks made in the Puget Sound recovery effort.

The 2018-2022 Action Agenda for Puget Sound, December 2018, Puget Sound Partnership.

No inconsistency with applicable SMP policy or regulations identified. Identifies large-scale regional strategies and specific actions needed for Puget Sound recovery. This represents the Comprehensive Plan from which policy guidance and direction is given. This guidance provides the framework for the regional implementation plan and Local Integrating Organization's ecosystem recovery plans. Pressures identified include: development and land conversion; increased impervious surface; wastewater from homes/businesses; increasing demand for freshwater resources; and greenhouse gas emissions. Changing climatic conditions are also addressed through temperature; precipitation; heavy rainfall; sea level rise; and, ocean acidification.

The 2018-2022 Action Agenda for Puget Sound – Implementation Plan, December 2018, Puget Sound Partnership.

No inconsistency with applicable SMP policy or regulations identified. This plan establishes needed recovery actions and informs investment in Puget Sound recovery over a four-year period.

Local Integrating Organization – Island Ecosystem Recovery Plan, June 2017, Island County.

No inconsistency with applicable SMP policy or regulations identified. The local recovery strategy produced by the Island Local Integrating Organization focuses on key local pressures such as stormwater runoff and marine shoreline infrastructure. Specific near-term action projects focused at the Oak Harbor Marina for reductions in stormwater runoff, shading and hard shoreline armoring are consistent with SMP policy guidance.

Island County Shoreline Master Program Update, December 2015.

No inconsistency with applicable SMP policy, regulations, or use identified. Island County's southern adjacent environment designation is Rural Conservancy. Rural Conservancy is also to the east, but NASWI property separates the City of Oak Harbor from Island County. Both the Residential Bluff Conservancy (OH) and Rural Conservancy permit single-family residential, water-oriented recreational facilities, and shoreline access structures such as trails, walkways, and stairs.

Both designations address setbacks for slopes 40% or greater:

OH – 50-foot setback from top of slope with a required critical areas report for residential within 100 feet of the top of slope.

IC – 30-foot setback from top of slope.

IC – 50-foot setback required for exceptional feeder bluffs.

Island County Water Resource Management Plan – 2514 Watershed Planning, June 2005, Island County Water Resource Advisory Committee.
No inconsistency with applicable SMP policy or regulations identified. This watershed planning effort focuses on freshwater resources primarily inland from the shoreline jurisdiction.

Development Regulation Consistency Review

Critical Areas Ordinance (Updated by Ordinance Nos. 1801 and 1874)

SMP Table of Contents – Attachments

Attachment 2: Ordinances **Nos. 835, ~~and~~ 1472, 1794, and 1799**, OHMC Chapter 17.20 “Flood Damage Prevention”

Attachment 3: Ordinance **Nos. 1440, 1801, and 1874**, OHMC Title 20 “Environment”

Page 23: **Chapter 3.B.4.a.1.:** Revised to reflect the recent Ordinances adopting new critical areas regulations.

Page 23: **Chapter 3.B.4.a.2.:** Revised to add Ordinances adopting the most recent FIRM and other amendments to OHMC Chapter 17.20.

Page 44: **Chapter 4.C. Table 2 Footnote 6:** Revised to reflect the recent Ordinances adopting new critical areas regulations.

Fish and Wildlife Habitat Conservation Areas:

Page 38: **Chapter 3.B.9.:** This section establishes policies and regulations pertaining to areas with critical saltwater habitat which are not addressed in OHMC 20.25, however, in communication with David Pater (WDOE) and Keith Folkerts (WDFW) have indicated that there has not been any statutory changes to critical saltwater habitat and that ours still is suitable for Oak Harbor.

Frequently Flooded Areas:

Page 23: **Chapter 3.B.4.a.1.:** Revised to reflect recently adopted Ordinances pertaining to Critical Areas. Ordinance **Nos. 1801 and 1874** are codified under Chapters 20.02, 20.12, 20.24, 20.25, 20.28, 20.32, and 20.34, of the Oak Harbor Municipal Code.

Page 23: **Chapter 3.B.4.a.2.:** Revised to reflect recently adopted Ordinances pertaining to Flood Damage Prevention Regulations. Ordinance Nos. **1794, 2017; 1704, 2014; 1472, 2006; and 835, (1989) and 1462 (2006)** are codified under Chapter 17.20 “Flood Damage Prevention” of the Oak Harbor Municipal Code.

Low Impact Development (Ordinance No. 1784, November 2016)

A review of the current SMP identified several references to “low impact development”, “pervious pavement”, or other phrases pertaining to stormwater management, conveyance storage, etc. Terminology in the 2013 SMP has been reviewed and refreshed to reflect more current language established in the current NPDES Phase II permit and stormwater manual (Stormwater Management Manual for Western Washington 2012, as amended December 2014). **These recommended changes are documented in the “Changing Local Circumstances, New Information, or Improved Data” reference document 4.**

Small Cell (Ordinance Nos. 1840 & 1841):

Page 63: Chapter 4.D.12.a.: Added small cell facilities to list of utilities regulated under this SMP.

OHMC Chapter 18.20:

Page 90: Chapter 6.B.2.m.: An amendment is considered legislative and would track to the Council after recommendation by the Planning Commission.

Page 90: Chapter 6.B.2.o.: The Planning Commission would also receive technical assistance.

Page 92: Chapter 6.E.2.: CUP's are intended to be heard by the hearing examiner.

Page 92: Chapter 6.E.6: Added item 6. to reflect that amendments must go through the Planning Commission.

Definitions

All definitions in Chapter 7 have been reviewed. Proposed revisions are based on review of current RCW's, WAC's, state agency guidance manuals and the Oak Harbor Municipal Code. All proposed revisions are identified in Chapter 7. Each revised definition includes the source documentation from which the new definition is derived.