



TO: City of Long Beach Planning Commission
RE: Periodic Review of Shoreline Master Program & Public Hearing

Background

The Shoreline Management Act (SMA) requires the city to review, and revise, if necessary, its Shoreline Management Plan on an eight-year schedule under state law (RCW 90.58.080). This review ensures the SMP:

- Stays current with changes with state laws and rules;
- Remains consistent with other city plans and development regulations; and
- Reflects changed circumstances, latest information, or improved data.

The Planning Commission initiated the periodic review process during its September and October 2021 meetings. These meetings focused on:

- Understanding the requirements of the periodic review process;
- Reviewing required amendments to the 2017 Shoreline Master Program to meet the changes to state law and agency rules since its adoption;
- Initiating a public participation program and reviewing the comments received (see summary below); and
- Reviewing the current draft Shoreline Master Program that incorporated changes to state law and agency rules.

Because the Shoreline Master Program jurisdiction is limited within the city, there have been no shoreline permits issued since the adoption of the 2017 Shoreline Master Program. This pattern will continue within the upland jurisdiction, but a small possibility exists that sometime in the future a project may occur in the ocean environment west of the ordinary high water mark.

Overview of Changes to the 2017 Shoreline Master Program

While most of the updates required by the state during this periodic review are minor, the new Ocean Resource Management Act (ORMA) requirements represent the biggest change to the city's SMP.

The Periodic Review Checklist and the Ocean Management Checklist is a useful index to find these changes in the current draft. These checklists, along with the current draft Shoreline Master Program, are available on the city's project website at:

<https://longbeachwa.gov/category/city-projects/>.

Summary of Public Comment To-Date

The city prepared a Public Participation Plan for soliciting public comment for the Periodic Review. The public comment process relied on:

- A web page sharing information about the Periodic Review, links to all project documents, and contact information;
- Email lists for citizens, governmental agencies, area tribes, and organizations;
- Planning Commission meetings for the public to share comments; and
- An on-line survey advertised on the web page and posted flyers.

Themes received in public comment to date focused on:

1. Concerns about beach driving impacts;
2. The need for interjurisdictional cooperation;
3. Concerns about threats from coastal storms, tsunamis, and sea level rise;
4. Protection of the dunes;
5. Use and impacts of fireworks at the beach;
6. Trails through the dunes and public crossing of private property; and
7. The presence of horse droppings on the beach.

It is important to note that the Shoreline Master Program adopts by reference the city's critical areas ordinance (CAO), Title 13 LBMC. The CAO is an integral element to ensuring no net loss of shoreline ecological function. The CAO contains appropriate regulations for dune protection.

The Shoreline Master Program is also an element of the City of Long Beach Comprehensive Plan. The Land Use Element in the Comprehensive Plan already addresses at length those concerns related to interjurisdictional cooperation, threats from coastal storms, tsunamis, and sea level rise.

Finally, the entirety of the Seashore Conservation area is under the jurisdiction of Washington State Parks. Parks has adopted the Long Beach Area Parks Management Plan. WAC 352-37-040 regulates driving on the beach, and being state law, remains beyond the ability of the Shoreline Master Program to address. In addition, the Shoreline Master Program is not the appropriate venue to address enforcement issues regarding fireworks and horse droppings.

Environmental and State Agency Reviews

The City of Long Beach conducted environmental review and issued a Determination of Nonsignificance (DNS) on December 15, 2021 with a 14-day comment period.

Simultaneously on December 15, 2021, the city submitted documents to start the Department of Ecology's required 30-day public comment period and the state agency 60-day comment period. The city also sent notice to all interested parties on its email list of the Ecology comment period.

The Ecology comment period expires on January 21, 2022. The state agency comment period expires on February 20, 2022.

Public Hearing on Proposed Changes to the Shoreline Master Program

The Planning Commission will be conducting a public hearing on the proposed Periodic Review changes to the Shoreline Master Program on January 11, 2022. The city published notice of the public hearing in the December 15 and 22, 2021 editions of the Chinook Observer. The Department of Ecology has also published notice on its Shoreline Master Programs amendments website.

The purpose of this meeting to hear and consider public comment on the draft. After the close of the public hearing, the Planning Commission will hold discussion on the comment received up to that point. The city will accept public comment on the draft until January 21, 2022.

The Planning Commission will take no action on the draft Shoreline Master Program until its March 8, 2022 meeting. All public and state agency comments will expire before that meeting date.

Next Planning Commission Steps

City staff will be providing the Planning Commission with a report that lists all comments and a response to each one. The Planning Commission will discuss the results, make any changes to the draft Shoreline Master Program if necessary, and will adopt a recommendation on the document for the City Council's consideration.

After this meeting, the city will submit the draft to the Department of Ecology for its Initial Determination of Consistency. Ecology has 30-days to issue its determination. If the determination request changes to the document, the City Council will address them when it considers the Planning Commission recommendation.

Once Ecology and the city are satisfied with the draft, the City Council will adopt it by ordinance and submit it once again to Ecology for their final approval. This process will conclude in April or May 2022.