



## AGENDA –Monday, April 4, 2022

6:00 p.m. Workshop

7:00 p.m. City Council Meeting

In-Person and Zoom Webinar

Meeting ID: 831 6447 0113

Password: 12345678

### 6:00 WORKSHOP

WS 22-07

Outdoor Food Court, Food Truck Discussion – TAB A

### 7:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Phillips, Council Member Svendsen, Council Member McGuire,
And roll call	Council Member Murry, Council Member Reddy & Council Member Coleman

### PUBLIC COMMENT

At this time, the Mayor will call for any comments from the public on any subject whether it is on the agenda for any item(s) the public may wish to bring forward and discuss. Preference will be given to those who must travel. **Please limit your comments to three minutes. The City Council does not take any action or make any decisions during public comment.** To request Council action during the Business portion of a Council meeting, contact the City Administrator at least one week in advance of a meeting.

### CONSENT AGENDA – TAB B

All matters, which are listed within the consent section of the agenda, have been distributed to each member of the Long Beach City Council for reading and study. Items listed are considered routine by the Council and will be enacted with one motion unless a Council Member specifically requests it to be removed from the Consent Agenda to be considered separately. Staff recommends approval of the following items:

- Minutes, March 21, 2022 Regular Meeting and March 28, 2022 Special Meeting
- Payment Approval List for Warrant Registers – 60783-60803 & 89356-89539 for \$157,968.73

- AB 22-25 — Resolution 2022-05 Establishing Policies for Dedicating Public Spaces - TAB C
- AB 22-26 — Contract with Bird Scooters - TAB D

### DEPARTMENT HEAD ORAL REPORTS CORRESPONDENCE AND WRITTEN REPORTS – TAB E

- Short Plat Decision for Larry Davidson
- Report and Decision for CAO V 2022-01
- Shoreline Master Program Periodic Update 2022 – Review

### FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month at 7:00 PM and may be preceded by a workshop.  
April 18, 2022, May 4, 2022 & June 6, 2022

### ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Administrator at the meeting.

TAB - A





**CITY COUNCIL  
WORKSHOP BILL  
WS 22-07**

**Meeting Date: April 4, 2022**

AGENDA ITEM INFORMATION		
<b>SUBJECT: Food Trucks and Outdoor Food Courts</b>	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	AS
	Events Coordinator	
	Finance Director	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
<b>COST: N/A</b>	Water/Wastewater Supervisor	
<b>SUMMARY STATEMENT:</b> Discussion around outdoor food courts and food trucks. Materials will be provided during the workshop.		

Workshops are public meetings with the purpose of allowing the City Council to discuss topics. No formal decisions are made at workshops. While almost every meeting when a majority of the city council is present is considered a public meeting, that doesn't necessitate the Council allowing public comment. If the Mayor and Council request more information or clarification they may seek input from the audience.

TAB - B

## **LONG BEACH CITY COUNCIL MEETING**

**March 21, 2022**

### **6:00 Executive Session – RCW 42.30.110 Performance of a Public Employee**

C. Svendsen made the motion to go into executive session. C. Murry seconded the motion; 4 Ayes; 1 Absent (C. Reddy), motion passed. Mayor Phillips announced that they would be in executive session for twenty minutes.

Mayor Phillips, C. Svendsen, C. McGuire, C. Murry, C. Coleman, and the City Administrator, David Glasson, all went into executive session at 6:01 p.m. C. Reddy attended via zoom as well and they all came out of executive session at 6:20 p.m.

**No decisions were made at this time.**

### **6:30 COUNCIL WORKSHOP**

Mayor Phillips, C. Svendsen, C. McGuire, C. Murry, C. Reddy, and C. Coleman were all in attendance.

### **WS 22-06 – State of the Library – Updates from Timberland Library**

Representatives from the Timberland Regional Library gave the Council and the public an update on the State of the Library.

**No decisions were made at this time.**

### **7:00 CALL TO ORDER**

Mayor Phillips called the meeting to order.

### **PROCLAMATION – FAIR HOUSING ACT**

Mayor Phillips proclaimed the Month of April 2022 as Fair Housing Month and thank the many people in our communities who aspire to open the doors of opportunity of housing to all people free from any discrimination.

### **ROLL CALL**

David Glasson, City Administrator, called roll with Mayor Phillips, C. Svendsen, C. McGuire, C. Murry, C. Reddy, and C. Coleman all in attendance.

### **PUBLIC COMMENT**

Ken Johnson, from Wahkiakum West, commented on the upcoming Agenda Bill.

### **CONSENT AGENDA**

Minutes, March 7, 2022

Payment Approval List for Warrant Registers – 60756-60782 & 89293-89355 for \$230,487.30

**C. Svendsen made the motion to approve the Consent Agenda. C. McGuire seconded the motion; 5 Ayes, motion passed.**

### **BUSINESS**

#### **AB 22-21 – Fireworks Contract for the 4<sup>th</sup> of July**

David Glasson, City Administrator, presented the new agreement for the 4<sup>th</sup> of July Fireworks show.

**C. Coleman made the motion to authorize Mayor Phillips to execute the agreement. C. McGuire seconded the motion; 5 Ayes, motion passed.**

#### **AB 22-22 – Surplus Bid Award**

David Glasson, City Administrator, presented the Agenda Bill. The city received bids for the 2006 Ford Crown Victoria. The highest bidder was Kris Booi. There were no bids on the Seagraves firetruck, therefore the city is looking at alternative ways of selling it.

**C. Svendsen made the motion to approve the sales of surplus equipment to the highest bidder. C. Murry seconded the motion; 5 Ayes, motion passed.**

#### **AB 22-23 – Wahkiakum West Fiber Connections**

David Glasson, City Administrator, presented the Agenda Bill. The City is working with Wahkiakum West to install fiber links and communications equipment between City Hall, the Fire Hall, The Police Station, and City Shops. This creates a dedicated link between those city structures. Included in this agreement is the replacement of phones at City Hall, City Shops and the Firehall.

**C. Murry made the motion to authorize Mayor Phillips to sign the agreement to have Wahkiakum West provide communications services to the city. C. McGuire seconded the motion; 5 Ayes, motion passed.**

#### **DEPARTMENT HEAD ORAL REPORTS**

#### **CORRESPONDENCE AND WRITTEN REPORTS**

- Police Chief's Report for February 2022
- ChargePoint Report
- Charter Rates for 2022

#### **ADJOURNMENT**

Mayor Phillips adjourned the meeting at 7:20 p.m.

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Mayor

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City Clerk



## **LONG BEACH CITY COUNCIL SPECIAL MEETING**

**March 28, 2022**

### **4:00 CALL TO ORDER**

Mayor Phillips called the meeting to order.

### **ROLL CALL**

Ariel Smith, Deputy City Administrator, called roll with Mayor Phillips, C. Svendsen, C. Reddy, and C. Coleman all in attendance. C. McGuire and C. Murry were absent.

### **PUBLIC COMMENT**

There were no public comments.

### **BUSINESS**

#### **AB-22-24- Resolution 2022-06 – Support for Funding Opportunity**

Ariel Smith, Deputy City Administrator, presented the Agenda Bill. The City is applying for \$2,054,400 through Congresswoman Jamie Herrera Beutler's Community Project Funding process. A resolution declaring support for the project is highly recommended. The proposed project is replacing and upgrading four sewer lift stations throughout town. This project was identified as a critical need through our Sewer Comprehensive Plan.

**C. Svendsen made the motion to authorize Mayor Phillips to sign Resolution 2022-06. C. Reddy seconded the motion; 3 Ayes; 2 Absent (C. McGuire & C. Murry), motion passed.**

### **ADJOURNMENT**

Mayor Phillips adjourned the meeting at 4:02 p.m.

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Mayor

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City Clerk



## Warrant Register

Check Periods: 2022 - March - Second

I, THE UNDERSIGNED DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF LONG BEACH, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY THIS SAID CLAIM.

Council Member	Council Member	Council Member	Clerk/Treasurer
60783	Bell, Helen S	3/18/2022	\$428.33
60784	Binion, Jacob M	3/18/2022	\$2,162.37
60785	Booi, Kristopher A	3/18/2022	\$1,785.21
60786	Cox, Mallory E	3/18/2022	\$255.43
60787	Goulter, John R	3/18/2022	\$2,055.53
60788	Huff, Timothy M	3/18/2022	\$1,986.94
60789	Kemmer, Larry L	3/18/2022	\$1,833.84
60790	Luethe, Paul J	3/18/2022	\$1,763.12
60791	Padgett, Timothy J	3/18/2022	\$1,601.45
60792	Wright, Flint R	3/18/2022	\$3,123.17
60793	AFLAC	3/18/2022	\$437.96
60794	Awc - ST & Life	3/18/2022	\$739.87
60795	City of Long Beach - Fica	3/18/2022	\$13,012.86
60796	City of Long Beach - FWH	3/18/2022	\$9,272.35
60797	Dept of Labor & Industries	3/18/2022	\$1,923.18
60798	Dept of Retirement Systems	3/18/2022	\$13,569.66
60799	Dept of Retirement Systems Def Comp	3/18/2022	\$3,285.30
60800	Employment Security Dept	3/18/2022	\$211.67
60801	Teamsters Local #58	3/18/2022	\$276.50
60802	WEX Health, Inc.	3/18/2022	\$175.00
60803	Association of WA Cities	3/18/2022	\$26,051.39
89356	Direct Lighting Manufacturing LLC	3/18/2022	\$17,306.34
89357	Wright, Flint	3/23/2022	\$138.00
89358	Jacoby, Rich	3/23/2022	\$2,414.20
89360	Active Enterprises, Inc.	3/29/2022	\$298.19
89361	ALS Group USA, Corp.	3/29/2022	\$212.00
89362	Astoria Janitor & Paper Supply	3/29/2022	\$751.85
89363	Bank of The Pacific	3/29/2022	\$9,738.67
89364	Belks Plumbing	3/29/2022	\$119.13

Execution Time: 23 second(s)

89365	Bell, Helen	3/29/2022	\$89.97
89366	BMC WELDING	3/29/2022	\$189.52
89367	ChargePoint	3/29/2022	\$1,583.68
89368	Charter Spectrum	3/29/2022	\$479.93
89369	Chinook Observer	3/29/2022	\$43.48
89370	Cintas	3/29/2022	\$14.31
89371	Clatsop County Lawn & Tractor	3/29/2022	\$359.99
89372	Cowserf, Eric	3/29/2022	\$30.02
89373	Department of Licensing - Firearms Section	3/29/2022	\$18.00
89374	Dept of Ecology	3/29/2022	\$3,768.16
89375	Evergreen Septic Inc	3/29/2022	\$460.00
89376	Ford Electric	3/29/2022	\$177.70
89377	H. D. FOWLER	3/29/2022	\$251.80
89378	iSpyFire, Inc.	3/29/2022	\$541.50
89379	L.N. Curtis & Sons	3/29/2022	\$1,401.40
89380	Lawson Products, Inc.	3/29/2022	\$349.41
89381	Postmaster	3/29/2022	\$558.62
89382	Quill Corporation	3/29/2022	\$69.99
89383	Ryan Herco Products Corp	3/29/2022	\$202.30
89384	Solutions Yes	3/29/2022	\$382.72
89385	System Interface Inc.	3/29/2022	\$6,245.73
89386	Systems Interface Inc.	3/29/2022	\$19,445.27
89387	Valley Athletics	3/29/2022	\$889.13
89388	Verizon Wireless	3/29/2022	\$1,041.68
89389	Wex Bank	3/29/2022	\$1,000.00
89390	Willapa Firearms Training	3/29/2022	\$525.00
89391	Zero Waste USA	3/29/2022	\$889.91
89539	Wirkkala Construction	3/28/2022	\$30.00
	<b>Total</b>		<b>\$157,968.73</b>
	<b>Grand Total</b>		<b>\$157,968.73</b>

TAB - C





**CITY COUNCIL  
AGENDA BILL  
AB 22-25**

**Meeting Date: April 4, 2022**

AGENDA ITEM INFORMATION		
<b>SUBJECT: Resolution 2022-05 Establishing Policies for Dedicating Public Spaces</b>	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
<b>COST: N/A</b>	Other:	
<b>SUMMARY STATEMENT:</b> This item was discussed at a previous workshop and just outlines requirements for dedicating public spaces. This includes naming of parks, dedication of buildings and other public facilities.		
<b>RECOMMENDED ACTION:</b> Authorize Mayor Phillips sign Resolution 2022-05.		

**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE CITY OF LONG BEACH, WASHINGTON,  
ESTABLISHING POLICIES AND PROCEDURES RELATING TO THE  
NAMING OF PUBLIC PARKS AND FACILITIES**

**WHEREAS**, the City of Long Beach believes that the designation of names for parks and facilities should be approached with deliberation; and

**WHEREAS**, the City Council further believes that the setting forth by resolution of policies and procedures relating to the naming of parks and facilities in the public interest; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. It is the policy of the City of Long Beach to choose names for parks and facilities based upon the following criteria, in no particular priority order:

1. Neighborhood or geographical identification
2. A natural or geological feature
3. Historical or cultural significance
4. An historical figure: or an individual (living or deceased) who has made a significant land, monetary or civic contribution or gave their life while serving the United States of America in military service;
5. As required by purchase agreement or gift.

Section 2. The City Council shall designate the names of parks and facilities. The City Council shall make its selection after receiving a recommendation from the public and organizations.

Section 3. Following selection of a park or facility name by City Council, the City shall identify the specific park or facility with appropriate signage specifying the name.

Section 4. Effective Date. This resolution, being an exercise of power specifically delegated to the city legislative body, is not subject to referendum and shall take effect five (5) days after passage by the City Council.

Passed this 4<sup>th</sup> Day of April 2022

Ayes              Nays              Absent              Abstentions

ATTEST:

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Jerry Phillips, Mayor

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Jessie Hermens, Clerk

TAB - D





**CITY COUNCIL  
AGENDA BILL  
AB 22-26**

**Meeting Date: April 4, 2022**

<b>AGENDA ITEM INFORMATION</b>		
<b>SUBJECT: Contract with Bird Ride Scooters</b>	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
<b>COST: N/A</b>	Water/Wastewater Supervisor	
	Other:	
<b>SUMMARY STATEMENT:</b> Bird Ride Scooters approached the city for a one-year agreement to see if their product was viable in Long Beach. They are proposing a minimum of 50 scooters at no cost to the city. They would be responsible for scooter education and liability.		
<b>RECOMMENDED ACTION:</b> Authorize/Deny/Table Mayor Phillips to enter into an agreement with Bird Ride Scooters.		



# Bird's impact on the communities we serve

## Prioritizing safety, first.

Bird partners with cities across the globe to develop programs that maximize the positive impact of micro-mobility.

### Connectivity

Bird supplements car use by providing a new, affordable transportation option. This drives tourism and brings the community together.



### Bird leads the industry in safety.

Safety is deeply embedded across all components of our business- from our policy and operations; to our community education and engagement; to our industry leading vehicle design.

## One sustainable ride at a time.

Bird's custom vehicles are the most durable micro-mobility options on the road today.

**Each Bird One and Bird Two on the road today represents:**



**18 months +**

OF SUSTAINABLE RIDES



**1,500 pounds**

OF CO2 AVOIDED

## Bolstering the local economy.

**58%**

of Bird rides ending at local businesses helping connect shops and restaurants with riders in their community.

**9x**

increase in the reach of transit stations expanding the mobility and job opportunities of more residents.

**Free**

\$0 investment from the city



# What is Bird?

Bird is a last-mile electric vehicle company dedicated to bringing affordable, environmentally-friendly transportation solutions to cities everywhere. Today, Bird serves over 300 communities worldwide, ranging from metropolises like Los Angeles, CA (pop. 4 million), to smaller cities like Fort Scott, KS (pop. 7,700).

Our mission is to get people out of cars and:



Solve the last-mile problem and connect more residents to transit options



Reduce congestion and over-reliance on cars



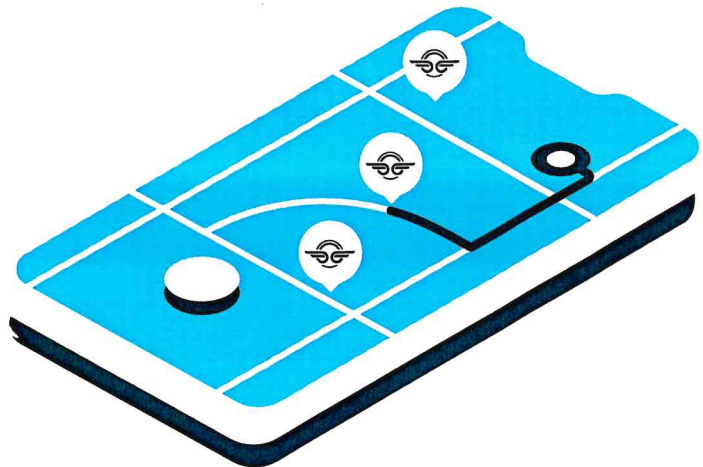
Improve air quality and reduce GHG emissions



Improve the overall quality of life in cities

## How it works.

Bird uses electric-powered scooters, two-wheeled stand-up vehicles designed to safely and sustainably get you around your city. Through the Bird smartphone app, riders can see the closest Bird on a map, unlock it, complete the safety tutorial, and ride directly to their destination. It costs \$1 to start, then a per minute fee.



1

Find Birds on the map

2

Scan QR to begin ride

3

Watch safety tutorial

4

Enjoy the ride!





## Leading the way on innovative solutions for cities

Bird is committed to working with cities to manage and maximize the positive impact of our partnerships. That's why we've developed industry-leading technology to measure, innovate, and improve both our fleet and our reporting. Here's just a small sample of our offering for cities:

### Custom in-app education

Bird riders are each shown a comprehensive education program that can be customized to address your city's chief concerns.

### Community-based reporting

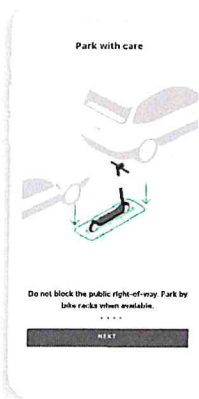
Every member of your community can access community mode in the Bird app to submit complaints directly to our team for fast resolution.

### Localized policy zones

Bird's geo-fencing technology allows us to implement no-ride zones, no-parking zones, and reduced-speed zones with custom messaging to increase safe riding.

### Parking management

Bird offers a comprehensive suite of parking tools that bridges the gap between technology and infrastructure by both directing and incentivizing riders to park in city-designated areas and reduce the communities concerns of 'clutter'.



### Account Manager

Bird's account managers partner with cities to provide a custom experience dedicated to servicing each specific community's needs.



### Industry-leading vehicles

Bird's best-in-class teams create innovative new vehicles from the ground-up. From self-reporting damage sensors and tip detection to an industrial-grade anti-tipping kickstand, Bird offers the most advanced shared e-scooter on the road today.

### Programs for equitable access

Our city dashboards provide customized information about how our partnership is helping to complement the city's mobility menu.

### Customized dashboards and robust APIs

Bird provides cities with easy-to-read dashboards and in-depth APIs to help cities understand how riders move about the city and how Bird is complementing their mobility menu.

Want to learn more about if Bird would be a good partner to meet your city's goals?

Just reach out to [partnerships@bird.co](mailto:partnerships@bird.co) to be connected to your regional representative



# Bird Scooter FAQs



## Bird + City Partnership

### **Why is Bird choosing to expand now?**

Bird's mission is to make cities more livable by reducing car usage, traffic, and carbon emissions. Bird was the first scooter company in the space, and is excited to be in a position where we can meet our company mission and bring microbility to as many cities in the country as possible. Our newest Fleet Manager operating model allows us to provide high touch and focused service to all communities regardless of the size.

### **Will it cost the city anything to bring Birds to town?**

Bird can launch & operate at no cost to the city.

### **Who is the city's main point of contact and who do we contact in the event of an emergency?**

Each city we work to launch Bird with will have a dedicated Account Manager who will be their main point of contact at Bird. The Account Manager will work with the city throughout the pre-launch and launch process to ensure a successful scooter program in each city.



## Riders & Safety

### **How old do you have to be to ride?**

We set the age to 18+.

### **How does Bird prevent underage riding?**

During account set up users are asked to verify their age. As needed we can add a feature to scan their ID or driver's license.

### **How do you address riding these on the sidewalk?**

Riders are reminded of safe riding & parking expectations through banner & in-app notifications in the Bird app

### **How does Bird address Safety?**

Safety has been Bird's top priority since day one. Bird has built several features in app to address safety, including Helmet Selfie, Warm-Up Mode, as well as in-app safety tutorials, and a safety video available on our blog and website. Additionally, each city will also have an Account Manager who can work closely with your team to address any safety concerns if they arise. Your dedicated account manager will also be able to walk you through all new safety features, and update you as we release new ones as well



## Vehicles & Operations

### **How much does it cost**

Renting a Bird will cost the rider a \$1 unlock fee+ a per minute fee. Billing is all done through the Bird app with a credit or debit card.

Bird has discounted pricing programs available for frontline workers, active duty and retired military personnel, low-income, veterans, senior citizens and select community and non-profit groups.

Learn more about eligibility requirements:

<https://www.bird.co/bird-access/>

<https://help.bird.co/hc/en-us/articles/360051003951-Community-Pricing->

### **What is the speed of the Bird scooters?**

Our scooters go up to 15mph, which aligns with the speed of the casual biker. We have the ability to create slow speed zones and adjust the speed.

“Warm-up mode” is available for all riders which will automatically soften a Bird scooter’s acceleration, allowing riders to slowly work their way up to full speed.

### **Where will Birds be able to operate?**

When Bird launches in a new city, we create an operating zone on the backend, which will correspond to an area on a map. We will work with the city to align on the operating area that will align with the city’s goals of ridership & access to alternative transportation. Birds will only operate in this area and will slow to a stop outside of it. The city can also highlight any specific areas with parking rules, slow speeds or no riding.

### **Where will the scooters need to be parked?**

Bird follows a dockless model, which means riders can park wherever they would like within the operating area. We educate riders where and how to park: at a bike rack when available, and

not blocking the right-of-way, sidewalks, ADA ramps, or driveways. At the end of each Bird ride, riders will be promoted to take a picture of the parked scooter as proof.

Our Fleet Manager will be notified if a vehicle that is not in a ride is being moved- this will help to keep the fleet organized in case someone moves a parked vehicle out of place

### **How does Bird manage “clutter” or vehicles being left everywhere?**

Our local fleet managers are responsible for rebalancing and moving vehicles throughout the city during operating hours. They pay attention to areas of scooter congestion as well as demand throughout the day, and rebalance vehicles accordingly. On the rider side, riders are required to take a photo of their appropriately parked Bird after each ride, which adds a layer of accountability. Bird can also display any bike racks or designated scooter parking infrastructure that a city may have in place, in the Bird app for riders to see as they end their ride.

### **How many scooters will Bird be operating in town?**

As we work with cities to plan our Bird launch, we calculate the ideal scooter fleet size generally based on population size of the city as well as other factors such as tourism, commuter traffic, university presence, and more. Generally after launching an initial fleet in town, the Bird team monitors utilization after launch and works with city administrators to get approval to add more to the fleet as demand & usage increases.

### **How does Bird source their local fleet managers?**

Bird works with local businesses, entrepreneurs, or community organizations to help manage our fleets locally and address the unique needs of each community. These individuals are selected based on a number of criteria to help best ensure the success of the fleet and a strong partnership with the city.

### **Where are the Birds washed, charged and repaired/stored?**

Our local Fleet Managers charge, maintain, and store Birds in their own facilities.

## **Memorandum of Understanding**

The City of Long Beach will permit Bird Rides, Inc. to provide services under the following terms and limitations. This agreement shall remain in effect until March, 2023 unless terminated as set forth below.

### **AGREEMENT**

- 1) Scope: This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within Long Beach jurisdictional boundaries. No person shall deploy a Stand-up electric scooter sharing system in the City in violation of this Agreement.
- 2) Stand-up electric scooters shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Users of Stand-up electric scooters who violate these provisions may be fined by Long Beach consistent with fines for cyclists.
- 3) Bird Rides, Inc. shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) Hours of operation: Stand-up electric scooters will be made available to rent from 4 a.m. to midnight (local time)
- 5) Bird Rides, Inc. shall provide a minimum of 50 vehicles at launch.
- 6) Safety Education: Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 7) Data sharing: Bird Rides, Inc. will provide data to the City as necessary to assist with monitoring program usage.
- 8) Indemnification: Bird Rides, Inc. agrees to indemnify, defend and hold harmless Long Beach (and City's employees, agents and affiliates) from and against all actions, damages or claims brought against City arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of City's (or City's employees', agents' or affiliates') negligence or willful misconduct. Long Beach expressly acknowledges that in no event shall Bird Rides, Inc. be liable for any special, indirect, consequential or punitive damages. Bird Rides, Inc.'s indemnification obligations shall survive for a period of one (1) year after the expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by the City's negligent construction or maintenance of public infrastructure. Long Beach' right to indemnification shall be contingent on City notifying Bird Rides, Inc. promptly following receipt or notice of any claim; Bird Rides, Inc. shall have sole control of any defense; City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird Rides, Inc.



9) Insurance: Bird Rides, Inc. shall provide Long Beach with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Bird Rides, Inc. employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

10) Notices: All notices and communications to the City from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.

11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.

12) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

13) The parties acknowledge that Bird Rides, Inc. may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this Agreement, and Bird Rides, Inc. remains responsible for all obligations and requirements under this Agreement.

14) This agreement shall be governed by and construed in accordance with the laws of Washington.

**Long Beach, WA**

**Bird Rides, Inc.**

Signed By:

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



TAB - E

When recorded, please return to:

City of Long Beach  
PO Box 310  
Long Beach, WA 98631  
Attn: Community Development Department

## **COMMUNITY DEVELOPMENT DIRECTOR'S DECISION SHORT PLAT APPLICATION**

---

### **APPLICANT**

Larry Davidson, 889 Hoffman Rd West Linn, OR 97068

### **PROPERTY LOCATION**

1305 31<sup>st</sup> Street NW Long Beach, WA 98631

### **LEGAL DESCRIPTION**

- Tax Lot 75 and 55 Lying Within Section 4, Township 10N, Range 11W, Willamette Meridian, Long Beach, Pacific County, Washington
- Assessor's Parcel #10110433075

### **BACKGROUND**

- The applicant proposes to amend the current western property line and create two lots out of the newly formed 21,000 square-foot (SF) parcel, which is a rectangle trending east to west, into two (2) parcels, 1, and 2.
- New Lot 1 would be on the west side beginning at northwest property corner, south 100 feet, east 90 feet and north 100 feet and west 90 feet to the beginning point. This property includes a 20' access and utility easement that runs on the south side of the property; the lot has a total area of 9,000 SF.
- New Lot 2 would encompass the rest of the property located immediately to the east of new Parcel 1 and would include an access and utility easement of 30' on the east side and a 20' easement on the south side of the property. It has a total area of 12,000 SF.

The entire property is currently undeveloped. The property is zoned R1R– Single-Family Residential Restricted pursuant to the City of Long Beach Zoning Ordinance.

On February 16, 2022, the applicant filed an application with the City for a short subdivision of the subject property. The following materials were submitted by the applicant:

- Application for development approval
- Wetland Delineation
- Application fee of \$710.00
- One conceptual draft of the plat proposing creation of two (2) lots numbered 1, and 2 east to west, respectively.

On February 17, 2022, the city notified the applicant the application was complete.

On February 17, 2022, pursuant to Section 11-4B-4 of Title 11 (Unified Development) of the City Code, written notice of the application was sent to owners of properties located within 300 feet (300') of the subject property. Notice was also sent to individuals identified in Section 11-4B-2 of Title 11. The notice requested that comments regarding the proposed short plat be submitted to the City by March 9, 2022.

#### **PUBLIC COMMENTS**

There were no comments received.

#### **FINDINGS:**

**1. Compliance with zoning.** The subject property is located in the R1R (Single-Family Residential Restricted) zoning district. The minimum lot size/lot area in the R1 zoning district is 6,000 SF, excluding the area of any vehicular surface access easement or street pursuant to Section 12-5B-4 of Title 12 (Zoning), of the Long Beach City Code. All lots as proposed conform to this standard.

**2. Pedestrian access.** All lots will have access from 31<sup>st</sup> Street NW.

**3. Design, shape, and orientation of lots.** They are close to proportionate square lots trending east-west.

The size and configuration of the proposed lots is such that each can accommodate a building envelope adequate for construction of a single-family dwelling while complying with setback standards pursuant to Section 12-5B-4 of the City Code.

**4. Necessary easements.** There is an access and utility easement included in this plat. The easement will be 30 feet on the east side of lot 2 and will run west on the south side of lots 1 & 2 approximately 20 feet.

**5. Street standards.** Public access to all proposed Lots is from 31<sup>st</sup> Street NW which is forty (40') wide and meets the requirement for collector streets as set forth in Section 4 of the City's Street standards and can provide adequate public access.

**6. Streetlights.** No new streetlights are required.

**7. Utilities.** Water is available to all lots; sewer would be provided by an on-site septic system.

<u>Water:</u>	City of Long Beach
<u>Sewer:</u>	Septic – regulated by Pacific County
<u>Transportation:</u>	All Lots are accessed by 31 <sup>st</sup> ST NW
<u>Public Education:</u>	Ocean Beach School District
<u>Electricity:</u>	Pacific County PUD #2
<u>Storm Water and Drainage:</u>	Stormwater would need to be captured on-site.
<u>Cable:</u>	Available through Charter Communications
<u>Phone:</u>	Available through CenturyTel
<u>Solid Waste:</u>	Area served by Peninsula Sanitation
<u>Police and Fire:</u>	City of Long Beach
<u>Medical and Emergency Facilities:</u>	City of Long Beach EMS, Medix Ambulance Service and Ocean Beach Hospital District
<u>Library:</u>	Timberland Regional Library Service in Ilwaco and Ocean Park
<u>Public Parks and Recreation Area (s):</u>	Numerous parks and recreational areas within the City of Long Beach and within Pacific County.
<u>Public Transit:</u>	Pacific Transit System available including Dial-A-Ride

**CONCLUSIONS:**

1. All of the findings indicated above are based upon City review of a survey provided by the applicant. This survey indicates the City's regulatory requirements can be met with the conditions set forth.
2. The proposed short plat meets all of the City's requirements regarding compliance with zoning; pedestrian access; design, shape, and orientation of lots; necessary easements; street standards; streetlights; and utilities.

**DECISION:**

The short plat application of Larry Davidson to create two (2) lots on 1305 31<sup>st</sup> ST NW, City of Long Beach, Washington, is hereby APPROVED.

APPROVED this 14th day of March 2022

---

Ariel Smith  
Community Development Director

**APPEALS**

Any party wishing to appeal this decision must file a written notice of appeal with the City Council, in accordance with section 11-2C-14 of the Long Beach City Code, within fourteen (14) calendar days of the date set forth above.

**City of Long Beach**  
**Summary of Report of Decision**

On March 21, 2022, the Hearings Examiner for the City of Long Beach, Washington did issue a report of decision for the following application:

**Project: Application CAO V 2022-01**, Larry Davidson of West Linn, Oregon, Variance to allow approximately 4,354 square feet of indirect wetland impacts in the R1R- Residential Single-Family Restricted at 1305 31<sup>st</sup> ST NW.

Decision: Approved per the findings and conditions in the Report of Decision.

The complete Report of Decision for the above-referenced project is available for review at Long Beach City Hall, 115 Bolstad Avenue West, Long Beach Washington.

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Chinook Observer: Please publish March 30, 2022

SMA Grant Agreements No. G1400375 & SEASMP-2123-LongBe-00140

Shoreline Master Program – Periodic Review  
Washington State Department of Ecology

# Shoreline Master Program



## City of Long Beach

**Final Draft Joint Review Draft**

**March 22, 2022**

environmental protection   public access   shoreline development



# Shoreline Master Program

City of Long Beach



Prepared by:  
The City of Long Beach  
115 Bolstad West  
PO Box 310  
Long Beach, Washington 98631

In partnership with:  
The Washington State Department of Ecology  
PO Box 47775  
Olympia, Washington 98504

Development of this Master Program funded in part by a  
grant from the Washington State Department of Ecology

Draft March 22, 2022

# Table of Contents

<b>Acronyms &amp; Abbreviations .....</b>	<b>i</b>
<b>1.0 Introduction.....</b>	<b>1</b>
1.1 Purpose of Shoreline Planning.....	1
1.2 Authority to Plan and Enforce .....	1
1.3 Legislative Findings.....	2
1.4 Purposes of this SMP .....	3
1.5 How the 2017 Updated SMP was Developed.....	3
1.6 Periodic Review of the Updated SMP .....	5
1.7 Best Available Science .....	5
1.8 How to Use this SMP.....	6
<b>2.0 Scope, Jurisdiction, Applicability, Exemptions.....</b>	<b>8</b>
2.1 Scope.....	8
2.2 Jurisdiction.....	8
2.3 Interpretation.....	8
2.4 Applicability and Exemptions.....	9
2.5 Relation to other Plans and Regulations .....	11
<b>3.0 Summary: Inventory &amp; Characterization of the Long Beach Shoreline.....</b>	<b>15</b>
3.1 Physical .....	15
3.2 Biological.....	16
3.3 Human-Influenced Conditions.....	18
3.4 Environmental Issues .....	19
<b>4.0 SMP Elements: Goals &amp; Strategies .....</b>	<b>20</b>
4.1 Economic Development.....	20
4.2 Public Access .....	21
4.3 Recreation .....	22
4.4 Circulation.....	23
4.5 Shoreline Use .....	23
4.6 The Environment .....	25

4.7	History, Culture, Science, and Education .....	29
4.8	Ocean Management .....	29
<b>5.0</b>	<b>Shoreline Environment Designations (SEDs): Use and Development Standards Regulations .....</b>	<b>35</b>
5.1	Designation of Shoreline Environments and Official Map .....	35
5.2	Aquatic SED .....	39
5.3	Conservancy SED .....	45
5.3	Ocean Uses .....	50
<b>6.0</b>	<b>Administration: Permits, Enforcement, Modifying the SMP .....</b>	<b>56</b>
6.1	Permits .....	56
6.2	Enforcement.....	68
6.3	Amendments or Updates to this SMP .....	70
<b>7.0</b>	<b>Nonconforming Uses, Structures, and Lots .....</b>	<b>71</b>
7.1	Uses.....	71
7.2	Structures .....	72
7.3	Lots .....	73
<b>8.0</b>	<b>Glossary/Definitions.....</b>	<b>74</b>
<b>9.0</b>	<b>References .....</b>	<b>86</b>
	<b>Appendix A. Shoreline Environment Designation Map.....</b>	<b>93</b>

## Tables

Table 5-1: Shoreline Use, Development, and Modification by SED.....	31
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## Acronyms & Abbreviations

The following acronyms and abbreviations may appear in this ~~document, and~~ document and do appear in one or more of the background documents developed as part of this updated Shoreline Master Program. If used in this document, the first appearance in the text is marked with the † symbol.

**BAS:** best available science

**CSZ:** Cascadia Subduction Zone

**CUP:** Conditional use permit

**CZMA:** Coastal Zone Management Act

**DNR:** Washington State Department of Natural Resources

**Ecology:** Washington State Department of Ecology

**GMA:** Washington State Growth Management Act

**ISU: Important, Sensitive, and Unique Areas**

**MHW or MHT:** Mean High Water or Mean High Tide

**MRC:** (The Pacific County) Marine Resource Council

**MSP: Marine Spatial Plan**

**NAVD88:** North American Vertical Datum of 1988

**NGVD29:** National Geodetic Vertical Datum of 1929

**OFM:** Washington State Office of Financial Management

**OHWM:** Ordinary high water mark

**ORMA:** Ocean Resources Management Act

**RCW:** Revised Code of Washington

**SCA:** Seashore Conservation Area

**SCL:** Seashore Conservation Line

**SED:** Shoreline Environment Designation

**SF:** square feet

**SEPA:** Washington State Environmental Policy Act

**SMA:** Washington State Shoreline Management Act

**SMP:** Shoreline Master Program

**SSDP:** Shoreline Substantial Development Permit

**SSE:** Statement of Shoreline Exemption

**SSWS:** Shoreline(s) of Statewide Significance

**UGA:** Urban Growth Area

**USC:** United States Code

**USFWS:** United States Fish & Wildlife Service

**WAC:** Washington Administrative Code

**WDFW:** Washington State Department of Fish & Wildlife

**WRIA:** Water Resources Inventory Area

## **Glossary/Definitions**

*Please note: The Glossary/Definitions that followed this section in the 2017 SMP has moved to 8.0 .*



# 1.0 Introduction

The Shoreline Master Program<sup>†</sup> (SMP<sup>†</sup>) for the City of Long Beach, Washington comprises this written document, including the Appendix A, Shoreline Environment Designation Map. and two maps: a Shoreline Jurisdiction Map and a Shoreline Environment Designation<sup>†</sup> (SED<sup>†</sup>) Map. The maps are Appendices A and B, respectively to this document. In addition, City of Long Beach Critical Areas Regulations, is adopted herein by reference. Pursuant to WAC 173-26-191(2)(b), amending the referenced regulations in the SMP for those critical areas under shoreline jurisdiction will require an amendment to the master program and approval by the Department of Ecology.

## 1.1 Purpose of Shoreline Planning

The Washington state Shoreline Management Act<sup>†</sup> (SMA<sup>†</sup>) of 1971, codified at Chapter 90.58 of the Revised Code of Washington<sup>†</sup> (RCW<sup>†</sup>), enunciates the state's policy regarding its shorelines and the purpose of shoreline planning as follows:

*It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*

## 1.2 Authority to Plan and Enforce

The role and authority of local government in shoreline planning and administration is articulated at RCW 90.58.060:

*Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter.*

The authority and responsibility of local government to enforce under the SMA are found at Washington Administrative Code<sup>†</sup> (WAC<sup>†</sup>) 173-27-240 through 310. Pursuant to 173-27-260:

*Enforcement action by . . . local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.*

## 1.3 Legislative Findings

Washington state legislative findings and policies of the SMA are set forth in RCW 90.58.020, and are as follows:

*The shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.*

*The legislature further finds that much of the shoreline of the state and adjacent uplands are in private ownership and that unrestricted construction on the privately owned and publicly owned shorelines of the state is not in the best public interest. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*

The SMA emphasizes protection of shoreline environmental resources, protection of the public's right to access, and accommodation of reasonable and appropriate shoreline uses:

*In the implementation of (this state) policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.*

*Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.*



These legislative findings and policies provide clear direction that SMPs prepared by local governments are to balance environmental protection, public access, and shoreline development.

## 1.4 Purposes of this SMP

The SMA defines an SMP as a “comprehensive use plan” for a shoreline area. The shoreline planning process differs from traditional planning processes in its emphasis on protecting shoreline functions and values<sup>†</sup> through management of uses. Purposes of this SMP are to:

1. Meet the obligations and responsibilities of local government as identified in the Washington State Shoreline Management Act (RCW 90.58).
2. Promote shoreline access, uses, and development of the Long Beach shoreline while protecting and restoring<sup>†</sup> environmental resources consistent with the city’s comprehensive plan, as well as its zoning, building, unified development, and critical areas regulations.
3. Promote the public health, safety, and welfare by providing in this SMP a clear guide and regulation for future development of the shoreline of the city of Long Beach.

## 1.5 How ~~this~~ the 2017 Updated SMP was Developed

This SMP was prepared as a logical product of a step-wise process undertaken by the city under the guidance of and with funding from the Washington State Department of Ecology (Ecology<sup>†</sup>). The basic foundation of ~~this~~ the 2013-2017 comprehensive update process ~~is~~ was the city’s existing 1997 SMP. With only one amendment, the 1997 SMP ~~has~~ had operated much the same for the past 18 years. Goals, policies, regulations, and development standards from that SMP that are still relevant today were considered for inclusion to this SMP.

In conformance with the SMP Guidelines (Chapter 173-26 WAC, Part III), the city is required to conduct several activities and prepare several reports and plans, all which build on one another to develop first information and data, then to use that material to inform development of other products, all leading to development of ~~this~~ the updated SMP and evaluation of its environmental impacts. Those comprehensive update activities and products are discussed below.

### 1.5.1 Establish Shoreline Jurisdiction

The city first determined the geographic extent of its shoreline jurisdiction. The city did this using the guidance provided by the SMA at RCW 90.58.030. When this SMP is approved by Ecology, the shoreline jurisdiction described herein will become the official delineation of shorelines of the state for the city as described in Chapter 172-22 WAC. The official shoreline jurisdiction map for the City of Long Beach is Appendix A to this SMP.

### 1.5.2 Inventory and Characterization Report

Once the city determined the geography of its shoreline jurisdiction, it amassed modestly detailed information about its physical, biological, and development characteristics. The city compiled this information for 10 distinct areas, or “reaches” comprising its shoreline jurisdiction,

and prepared a Shoreline Inventory and Characterization Report. Inventory information and data were used to describe—to “characterize”—each reach. This inventory and characterization establishes a baseline<sup>†</sup> against which future change can be evaluated. Since the purpose of shoreline planning is to avoid any net loss of shoreline functions or values, knowing their current status—their baseline—is important.

### **1.5.3 Community Visioning and Visioning Report**

Using information from the inventory and characterization effort, the city engaged in a dialogue with its citizens regarding current conditions and citizens’ preferred visions for a future (10 years and 20 years) shoreline. Citizens were also asked to describe what had to be done, especially by the city, to achieve their future shorelines. This effort informed development of goals and strategies to realize an idealized future shoreline. The city described the community visioning<sup>†</sup> effort, citizen input, and resulting goals and strategies in a Community Visioning Report.

### **1.5.4 Shoreline Environment Designations Report**

Identifying areas with similar physical, biological, and/or land use patterns from the inventory and characterization effort, and laying on that baseline a composite idealized future shoreline based on citizens’ input from the community visioning effort, the city developed a land classification system useful to grouping like areas under a zoning-like framework. Each class in the system is called a shoreline environment designation<sup>†</sup> (SED<sup>†</sup>), and for each SED the following is described:

1. The purpose of the specific SED;
2. The criteria for classifying land as a certain SED;
3. Management policies and implementing strategies<sup>†</sup>, including use, environmental protection, public access, and shoreline development policies and strategies.

The official shoreline environment designation map for the City of Long Beach is Appendix [AB](#) to this SMP.

### **1.5.5 Restoration Plan**

Using information regarding degraded areas from the inventory and characterization effort, as well as citizen input from the community visioning effort, the city developed a plan that identifies degraded shoreline conditions and recommends actions to recoup or improve shoreline environmental functions and values.

### **1.5.6 SMP**

This SMP includes information, data, analyses, goals<sup>†</sup>, and implementing strategies from all previous efforts.



### 1.5.7 Cumulative Impacts Analysis

Inventory and characterization information and data serve as a baseline onto which is superimposed shoreline development and use allowed by the proposed SMP, as well as restoration of shoreline functions proposed in the restoration plan. This allows identification and analysis of cumulative impacts resulting from past, present, and reasonably foreseeable actions allowed under this updated SMP to gain an understanding of the future health of the shoreline, and how the SMP or other city plans, policies, and regulations may be adaptively managed to achieve at a minimum no net loss of shoreline functions and values.

## 1.6 Periodic Review of the Updated SMP

The Shoreline Management Act requires the city to review, and if necessary, revise the SMP every eight years following the schedule established by RCW 90.58.080.

The periodic review is distinct from the comprehensive update undertaken for the 2017 SMP; WAC 173-26-090 only requires the city to review its SMP and make amendments deemed necessary to reflect changes to the SMA and related guidelines, local comprehensive plans and development regulations, and changing local circumstances, new information, or improved data.

The city initiated a periodic review of this SMP in August 2021 by first incorporating new legislative and rule amendments that came into effect since its adoption in 2017. The city also evaluated the SMP to ensure consistency with the Comprehensive Plan and development regulations.

The city followed with meetings before the Planning Commission and a public outreach program to determine if there were any changed local circumstances that might need consideration during the periodic review. Finding none, the city prepared and distributed a draft for public comment in December 2021 using the optional joint review process per WAC 173-26-104. After considering and responding to all public comment, the Planning Commission recommended approval to the City Council. The City Council accepted the Planning Commission recommendation and adopted this SMP with revisions on May XX, 2022 by Ordinance XXX.

## 1.67 Best Available Science

Pursuant to RCW 36.70A.172, a city is required to include the best available science<sup>†</sup> (BAS<sup>†</sup>) in developing policies and development regulations to protect functions and values of critical areas. According to WAC 365-195-900, BAS must be the product of a valid scientific process, the minimum characteristics of which are as follows:

**Peer review.** The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The criticism of the peer reviewers has been addressed by the proponents of the information.

**Methods.** The methods used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity.

**Logical conclusions and reasonable inferences.** The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.

**Quantitative analysis.** The data have been analyzed using appropriate statistical or quantitative methods.

**Context.** The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

**References.** The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

## 1.8 How to Use this SMP

### 1.8.1 As a Planning and Regulatory Document

The city will use this SMP to protect the shoreline environment, increase public access to the shoreline, and permit suitable shoreline uses. The city will also use this SMP in conjunction with other existing regulations and plans to ensure that no net loss occurs to shoreline functions. Finally, the city will use the restoration elements of this SMP and the related Restoration Plan to attempt to improve shoreline functions compared to current conditions.

The Long Beach SMP is a planning document similar to a comprehensive plan in that it presents goals and implementing strategies. It is different in that the SMP specifies use, development, protection and restoration of only the jurisdictional shoreline of the city. The SMP is also a regulatory document with uses and development standards enumerated in regulations similar to the city's zoning regulations.

In order to protect shoreline functions, all development proposals relating to the shoreline area must be evaluated in terms of this SMP. The Long Beach SMP provides regulatory parameters within which development may occur or is prohibited. It allows that a use or activity may be considered, but the community should be able to ensure that development is carried out in such a manner that the public's interest in protecting the shoreline is achieved.

### 1.8.2 To Understand When a Permit is Required

The Long Beach SMP addresses a range of uses and development that may occur in the shoreline area. The SMP ensures the shoreline area is protected from activities and uses that, if unmonitored, could cause damage to the functions and values of the shoreline, or degrade the aesthetic values of the shoreline that Long Beach enjoys. Some uses/development may be

required to obtain an SSDP, a Shoreline CUP, a Shoreline Variance, or a Letter of Exemption. While some uses may be exempt from permitting requirements, all must comply with the policies and regulations established by the state's SMA as expressed through this SMP.



## 2.0 Scope, Jurisdiction, Applicability, Exemptions

### 2.1 Scope

The basic scope of this SMP encompasses environmental protection, public access, and shoreline development. It lays out goals, strategies, and regulations intended to result in no net loss of shoreline functions.

### 2.2 Jurisdiction

The geographical extent of shoreline jurisdiction under this SMP includes a small portion of the Pacific Ocean and the ocean beach plus shorelands<sup>†</sup>, including associated interdunal wetlands<sup>†</sup>. The area of shoreline jurisdiction east to west for the city of Long Beach includes the Pacific Ocean and ocean beach/dune from three (3) nautical miles west of the ordinary high water mark<sup>†</sup> (OHWM<sup>†</sup>) to 200 feet east of the OHWM, plus those interdunal wetlands<sup>1</sup> located west of the 1889 Government Meander Line<sup>†</sup>. The area of shoreline jurisdiction north to south is the city's north and south city limits, extended three (3) miles westward. See Appendix A of this document for a map of shoreline jurisdiction.

For the extent of this shoreline jurisdiction geography, the city has both planning and regulatory authority. The city may also plan more broadly than the limits of its strict shoreline jurisdiction.

SMP does not apply to annexed areas unless the requirements of WAC 173-26-150 and 160 are complied with.

### 2.3 Interpretation

#### 2.3.1 Request for Interpretation

Any project permit applicant, Long Beach resident, owner of real property in Long Beach, or party of record may request an interpretation of the meaning or application of the city's SMP relative to project permit applications. A request must be written and must concisely identify the issue and desired interpretation.

#### 2.3.2 Liberal Construction

Pursuant to RCW 90.58.900, the SMA is exempted from the rule of strict construction; therefore, the SMA and this SMP will be liberally construed to give full effect to the purposes, goals, implementing strategies, and standards for which they both were enacted.

---

<sup>1</sup> Only associated wetlands themselves, and not their buffers that extend outside shoreline jurisdiction, are subject to the SMP. Buffers of associated wetlands are regulated under the City's Critical Areas Regulations.

### 2.3.3 Responsible Party and Consultation

The Community Development Director<sup>2</sup> shall provide administrative interpretations in accordance with Long Beach City code section 1-3-1, as may be amended. The community development director must provide a written administrative interpretation within thirty (30) days of receipt of a request for same.

The City shall consult with Ecology to ensure that formal written interpretations are consistent with the purpose and intent of chapters 90.58 RCW and 173-26 WAC.

### 2.3.4 Map Interpretation

This SMP includes ~~two maps, a Shoreline Jurisdiction map and the official~~ Shoreline Environment Designations (SED) map, at Appendix A and ~~which are~~ on file at the office of the city clerk-treasurer. ~~These maps identify~~ iesy the approximate lateral extent of shoreline jurisdiction and the presence of associated wetlands. Determination of the location of OHWM, lateral extent of shoreline jurisdiction, and any associated wetlands shall be determined on a site-specific basis at the time development is proposed. Pursuant to WAC 173-26-211(2)(e), undesignated shorelines are assigned a Conservancy SED.

### 2.3.5 Appeals

Any decision regarding interpretation of this SMP may be appealed within twenty-one (21) days after the city's written interpretation is issued. Please see the Long Beach City Code 11-2C-14, Appeals.

## 2.4 Applicability and Exemptions

### 2.4.1 To What this SMP Applies

All proposed uses and development<sup>\*</sup> occurring within shoreline jurisdiction must conform to the SMA and this SMP. All uses, even those not meeting the definition of development, are subject to the policies and regulations of this SMP, even though a shoreline permit may not be required.

WAC 173-27-140(1) states:

*No authorization to undertake use or development on shorelines of the state shall be granted by local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the Master Program.*

### 2.4.2 To Whom this SMP Applies

1. This SMP applies to every individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other

<sup>2</sup> Throughout this SMP "Community Development Director" means the Community Development Director of the City of Long Beach, Washington or his/her designee.



nonfederal entity which develops, owns, leases or administers lands, wetlands or waters that fall under the jurisdiction of the SMA, except nothing in this SMP shall affect any right(s) established by treaty to which the United States is a party.

2. Applicability of this SMP to federal lands and agencies will be consistent with WAC 173-27-060, as currently exists or is amended, regarding the Coastal Zone Management Act (CZMA). Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.~~Applicability of this SMP to federal lands and agencies will be consistent with WAC 173-27-060 as it currently exists or is amended.~~
3. Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:
  - a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
  - b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
  - c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.
  - d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
  - e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.
4. A permit under this section is not required in order to dispose of dredged materials at a disposal site approved through the cooperative planning process referenced in RCW 79.105.500, provided the dredged material disposal proponent obtains a valid site use authorization from the dredged material management program office within the department of natural resources. [RCW 90.58.140].

a.5.

### 2.4.3 Permits

Any entity wishing to undertake any use or development within shoreline jurisdiction shall make application to the Community Development Director. Based on provisions of this SMP, the

Director will determine if a Letter of Exemption, a Shoreline Substantial Development Permit<sup>†</sup> (SSDP<sup>†</sup>), a Shoreline Conditional Use Permit (CUP<sup>†</sup>), and/or a Shoreline Variance is required. Substantial development shall not be undertaken within the jurisdiction of the SMA and this SMP unless a SSDP has been issued, the appeal period has been completed, and any appeals have been resolved and/or the project proponent is allowed to proceed under the provisions of the SMA or by court order. Permitting processes and requirements are presented in Chapter 6 of this SMP.

#### 2.4.4 Letter of Exemption

Development exempt from a SSDP—defined in Section 6.1 of this SMP—requires a Letter of Exemption. A project that qualifies as “exempt development” may still require a shoreline CUP and/or a shoreline variance from SMP provisions. Exempt development will not be undertaken within the city’s shoreline jurisdiction unless a Letter of Exemption has been issued by the Community Development Director.

## 2.5 Relation to other Plans and Regulations

### 2.5.1 Consistency with Plans and Policies

In addition to compliance with the provisions of the SMA and this SMP, uses, development, and activities authorized by this SMP must be consistent with local plans and policy documents, specifically, the city’s comprehensive plan.

### 2.5.2 Consistency with SEPA and Other Laws

Uses, developments and activities regulated by this SMP may also be subject to provisions of the Washington State Environmental Policy Act (SEPA<sup>†</sup>—Chapter 43.21C RCW and Chapter 197-11 WAC), the Long Beach city code (including but not limited to critical areas, zoning, unified development, building, and enforcement regulations), and other provisions of local, state and federal laws, including but not limited to the federal Coastal Zone Management Act, as may be amended. Project proponents must comply with all applicable laws prior to commencing any use, development, or activity.

### 2.5.3 Ocean Resources Management Act ~~Ocean Management~~

These ocean management policies and their implementing regulations will be used in evaluating ocean uses, developments, and activities proposed in coastal waters subject to ORMA. These provisions augment the other requirements of this SMP. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources.

1. Ocean Resources Management Act (ORMA; RCW 43.143). Ocean uses and developments proposed within the ORMA geographical area must be consistent with ocean use policies and regulations and reviewed using the additional approval criteria of this section. The applicable



ORMA geographical area covers both the Conservancy and Aquatic SEDs of this Master Program.

a. Geographic Application. The Ocean Management provision of this section apply to Pacific Ocean shorelines of statewide significance coastal waters and those associated shorelands located within the City of Long Beach.

2. Marine Spatial Plan (MSP). New ocean uses and developments proposed within the MSP study area must be consistent with the ocean use policies, regulations, and permitting procedures of this section. The MSP study area covers marine waters of the Pacific Ocean within state waters, from the OHWM out to 3 nautical miles.

a. The MSP applies to a proposed project only if all three of the following criteria are met:

i. Occurs within the geographic boundaries of the MSP study area;

ii. Will adversely impact renewable resources or existing ocean uses; and

iii. Is a 'new use', as defined by the MSP.

b. All new ocean uses proposed within the MSP study area must be consistent with the protection standards for Important, Sensitive, and Unique areas (ISUs) and Fisheries and reviewed using the additional process requirements for new ocean use proposals.

c. Applicability of ISU protection standards. The state has developed maps of ISUs using the best available data at the time of the MSP development. These maps are intended to assist applicants in identifying where ISUs exist. As finer resolution or updated data becomes available, the state may update the ISU maps, which may include adding, deleting or updating the distribution of an ISU. However, ISU protection standards will apply to any ISU, wherever it is identified in state waters. It is the responsibility of applicants to verify whether ISUs exist in their proposed new ocean use project area and to demonstrate protection standards will be met.

~~—Ocean uses and activities conducted within the city's shoreline jurisdiction will comply with Chapter 43.143 RCW (Ocean Resources Management Act<sup>†</sup> (ORMA<sup>†</sup>) and WAC 173-26-360 (Ocean Management), as may be amended. Appendices C and D to this SMP are these regulations, respectively. Nothing in this subsection is intended to expand or modify the applicability of Chapter 43.143 RCW, WAC 173-26-360, or any subsections thereof, to ocean uses and activities not otherwise governed by those laws and administrative rules.~~

#### **2.5.4 Incorporation by Reference: City of Long Beach Critical Areas Regulations**

~~This SMP incorporates by reference the Long Beach critical areas regulations, as codified in Title 13 of the Long Beach city code and adopted via Ordinance No. 985 857 on August-October 52, 2020 and as amended by Ordinance No. 887a on February 4, 2013, as amended by Ordinance 892, adopted April 13, 2013, and as also amended by Ordinance No. 920, adopted August 3,~~



~~2015.~~ Unless identified immediately below, if provisions of the critical areas regulations and the SMP or SMA conflict, the provisions most protective of shoreline functions and consistent with the SMA shall prevail, as determined by the city in consultation with Ecology. The following apply, whether or not they are the most protective provisions:

1. The definition of “development” ~~(see Section 8.2.3) in the Glossary/Definitions chapter of~~ this SMP applies.
2. Permitting in shoreline jurisdiction is via a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance only, no critical areas permitting is required in shoreline jurisdiction. When located within shoreline jurisdiction, a reasonable use exception shall be processed as a shoreline variance pursuant to the city’s critical areas regulations.
3. Nonconforming uses and structures located within shoreline jurisdiction shall be subject to the requirements of this SMP.
4. Activities exempt from critical areas regulations shall comply with the requirements of this SMP. Such activities may require a SSDP, shoreline variance, or shoreline CUP unless this SMP and RCW 90.58.030(3)(e) specifically indicate the activity is exempt.
5. Critical areas regulations (but not permitting requirements) shall apply to any use, alteration or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.
6. Within shoreline jurisdiction, critical areas regulations shall be liberally construed together with this program to give full effect to the objectives and purposes of the provisions of this SMP and Chapter 90.58 RCW.

~~6.—~~

- ~~7. The following updated wetland definitions shall apply in shoreline jurisdiction, superseding definitions in Section 13-2-1 of the CAO for Wetland Class I through Wetland, Class IV:~~

~~**Wetland, Category I.** Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.~~

~~**Wetland, Category II.** Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or~~

those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

~~**Wetland, Category III.** Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acres. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.~~

~~**Wetland, Category IV.** Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.~~

~~8. Buffer reductions, including buffer averaging, authorized administratively shall not authorize reductions greater than 25% at any one point. Any greater reduction requires a shoreline variance permit.~~

~~9. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.~~

### 2.5.5 Severability

If any provision of this SMP or its application to any person or circumstance is held invalid, the remainder of the SMP or the application of the provision to other persons or circumstances, shall not be affected.

In the event a conflict occurs between the provisions of this SMP and laws, regulations, codes, or rules of any other authority having jurisdiction within the city, the regulations that provide more protection to the shoreline area shall apply, except when constrained by federal or state law, or where specifically provided otherwise in this SMP. All other portions of this SMP not in conflict will stay in effect.



## 3.0 Summary: Inventory ~~and~~ & Characterization of the Long Beach Shoreline

In order to develop this SMP, an inventory was prepared for the city's jurisdictional shoreline detailing physical, biological, and human-influenced conditions, as well as environmental impairments that might provide opportunities for restoration. This inventory was used to characterize the shoreline, and the results were presented in an Inventory and Characterization Report. (City of Long Beach, 2015a)

### 3.1 Physical

#### 3.1.1 Geology, Soils, Groundwater, Seismology

**Geology.** The ocean beach of Long Beach is located in the Long Beach sub-cell of the Columbia River littoral cell<sup>†</sup>. The majority of the Long Beach Peninsula—including the jurisdictional shorelands<sup>†</sup> of the city of Long Beach—is an accreted<sup>†</sup> sand bar created primarily from sediments transported by the Columbia River to the Pacific Ocean, then transported northward by longshore<sup>†</sup> ocean currents. A comparative review of historic aerial photos reveals the amount of accretion since 1889 has been just under 2,000 feet in total, and accretion has averaged approximately 15.7 feet per year.

**Soils.** Accretion occurred in parallel north south waves from the east accreting to the west, and so the oldest soils occur on the eastern shore along Willapa Bay, and the youngest soils occur on the western shore along the ocean beach. Also, because of this pattern of deposition, soils tend to trend in north-south bands. Nearly all of the soils of the Long Beach area are sand in nature,

**Groundwater.** The Long Beach Peninsula, including the Long Beach area, has a groundwater system similar to that of a homogeneous “island” groundwater flow system, where a lens of less dense freshwater “floats” on top of a body of more dense salt water. Recharge to the groundwater system is from infiltration/percolation of rainfall. Groundwater generally moves perpendicular to the spine of the Peninsula. A groundwater divide exists where groundwater is its most shallow along a north-south axis, and groundwater moves away from this divide west or east toward either the Pacific Ocean or Willapa Bay, respectively. The most prominent groundwater features in the dune area are interdunal wetlands located in the deflation plain<sup>†</sup> behind the foredune<sup>†</sup>.

**Seismology.** The Long Beach Peninsula is located approximately 80 miles east of the Cascadia Subduction<sup>†</sup> Zone (CSZ<sup>†</sup>), a “megathrust” fault<sup>†</sup> comprising a 1,000 kilometer dipping fault stretching between Northern Vancouver Island, Canada southward to Cape Mendocino, California. The last CSZ megathrust event occurred just over 300 years ago. This event resulted in widespread tsunami damage to the Washington coast as well as to Japan. In addition, land mass of the Long Beach Peninsula permanently subsided approximately six feet. (Atwater et al, 2005)

### 3.1.2 Topography and Surface Water

**Topography.** The Long Beach Peninsula exhibits long and low parallel north-south dune ridges<sup>†</sup> interspersed with shallow vales. The following dune forms are found in this landscape: foredune, deflation plain, sand hummock<sup>†</sup>, blowout<sup>†</sup>, dune ridge, and swale<sup>†</sup>. (Wiedemann, 1984) From west to east, first there is a broad and gradually sloping ocean beach. The foredune is a ridge of sand parallel to the ocean beach and located just above the limit of ordinary wave action. Behind the foredune is a low-lying deflation plain where interdunal wetlands form at surface elevations of 14 feet National Geodetic Vertical Datum of 1929<sup>†</sup> (NGVD29<sup>†</sup>) or lower. To the east of the deflation plain is the historic foredune, a dune ridge. The foredune, deflation plain, and dune ridge comprise the city's dune area, or dune complex, averaging about 2,000 feet in width.

The ocean floor from the shore outward to approximately seven (7) miles is considered the inner (nearshore-shallow) continental shelf<sup>†</sup> with a relatively flat slope and depths up to 131 feet. West of the inner shelf is the midshelf, an irregular band varying in width from seven (7) to 17 miles, also of a relatively flat slope and with depths of 131 to 656 feet. Beyond the midshelf is a the relatively narrow mesobenthal<sup>†</sup> upper continental slope with depths of 656 to 2,297 feet, and finally is the bathybenthal<sup>†</sup> lower to toe of the continental slope with depths of 2,297 to 11,500 feet. The substrate of the inner shelf is sand; the substrate of the midshelf and the mesobenthal is sand and mud with some rock outcropping; and the substrate of the bathybenthal is mud. (Washington Marine Spatial Planning, 2014)

**Surface Water.** Long Beach is located within the Willapa Watershed, also termed Water Resources Inventory Area (WRIA<sup>†</sup>) No. 24. No natural rivers or streams are located in Long Beach. The city has several stormwater outfalls to the ocean beach, located—from south to north—at 11<sup>th</sup> Street Southwest, 3<sup>rd</sup> Street Northwest, between 6<sup>th</sup> and 7<sup>th</sup> Streets Northwest, and at 12<sup>th</sup> Street Northwest. Under section 303(d) of the Clean Water Act, states, territories, and authorized tribes are required to develop lists of waters that do not meet water quality standards set by states, territories, or authorized tribes. Currently, there are no identified 303(d) terrestrial waters located in Long Beach or near enough to be affected by activities in the city's shoreline jurisdiction. (Ecology, 2014)

Ocean waters off the shore of Long Beach are cool, with the average in summer at 60 degrees Fahrenheit, and the Winter and Spring average around 49 degrees. Upwelling of deeper waters occurs close to shore, bringing cooler nutrient-enriched waters to the surface. (Washington Marine Spatial Planning, 2014) There are currently no identified 303(d) marine waters in the offshore area of Long Beach. (Ecology, 2014)

## 3.2 Biological

### 3.2.1 Ocean

**Vegetation.** Some sources state with certainty that eelgrass (*Zosteraceae*) beds are found throughout coastal areas of the North Pacific from the Gulf of Alaska to Coos Bay, Oregon. (NatureServe Explorer, 2014)



**Fish.** The ocean provides near-shore habitat supporting commercial and recreational Dungeness crab ocean fishing as well as recreational salmon and green sturgeon ocean fishing. Just beyond three (3) miles, the marine habit supports commercial ground and Pacific whiting fishing, as well as recreational sardine, bottom fish, and ling cod fishing. Further yet offshore, are recreational halibut and albacore fishing as well as commercial pink shrimp fishing. (Washington Marine Spatial Planning, 2014) In addition to these commercially fished species, ocean waters provide habitat for many other species of fish. While Long Beach has no natural rivers or streams that provide fish habitat, the ocean water offshore provide habitat for anadromous fish that migrate up and spawn in nearby rivers and streams. (Ecology, 2008)

**Birds.** The western half of the state of Washington is located along the Pacific Flyway<sup>†</sup>. Concentrations of sea/waterbirds, such as brown pelican (*Pelecanus occidentalis*) are frequently observed in the surf and near-shore area, as are terns (*spp. Sternidae*) cormorants (*spp. Phalacrocoracidae*), and gulls (*spp. Laridae*). Surveys of the near-shore and offshore areas observe higher concentrations of sea/water birds in winter than summer or fall.

### 3.2.2 Ocean Beach

**Shellfish.** The marine intertidal area of the ocean beach is the location of large and prolific beds of Pacific razor clams (*Siliqua patula*). These shellfish beds perform several ecological functions, including nutrient cycling, water quality enhancement, and serving as a food source for invertebrates, fish, mammals, and birds. In addition, these shellfish beds are the foundation of an important recreational fishery.

**Birds.** The ocean beach performs the ecological functions of roosting and foraging for concentrations of shorebirds and seabirds. It is also common to see both juvenile and adult bald eagles (*Haliaeetus leucocephalus*) roost along the ocean beach and forage in its near-shore waters. Observations of other priority species on the ocean beach include brown pelican (*Pelecanus occidentalis*) and snowy plover (*Charadrius nivosus*).

**Mammals.** Marine mammals do not normally roost or forage on the ocean beach. However, occasionally a harbor seal (*Phoca vitulina*) or Stellar sea lion (*Eumetopias jubatus*) may be observed on the beach. On occasion, a stranded mammal pup is rescued from the beach.

**Reptiles.** Marine reptiles do not normally roost or forage on the ocean beach. Several observations of green sea turtles (*Chelonia mydas*) and endangered olive Ridley turtles (*Lepidochelys olivacea*) have been made in the area (Washington Department of Fish & Wildlife, 2014; [www.beachconnection.net](http://www.beachconnection.net), 2009). These species are tropical or sub-tropical, so those found in or near Long Beach are well outside their normal range, and these incidents are isolated.

### 3.2.3 Dune Complex

**Wetlands.** Wetlands in the jurisdictional shoreline occur in the low-lying deflation plain east of the main foredune and west of the secondary sand ridge. Wetlands located in the deflation plain are “interdunal” wetlands created primarily by the influence of shallow groundwater. In this area, there are potentially more than 60 acres of Category II, III, and IV interdunal wetlands. The word



“potentially” is used because of funding limitations and due to the ephemeral nature of some young, shallow interdunal wetlands.

**Vegetation.** The dune complex is predominately vegetated with European and American beachgrasses (*Ammophila arenaria* and *breviligulata*, respectively) exotic species that have crowded out or limited the range of other plants. Other dune species include American dune grass (*Leymus mollis*, a native species), coastal strawberry (*Fragaria chileensis*), seashore lupine (*Lupinus littoralis*), searocket (*Cakile edentula*), beach pea (*Lathyrus japonicus*), and beach morning glory (*Convolvus soldanella*). In addition, other invasive species—both native and introduced—once in the dune, tend to spread rapidly, including Scotch broom (*Cytisus scoparius*), gorse (*Ulex europaeus*), and stands of beach (or shore) pines (*Pinus contorta*).

Dominant wetland-associated plant species of the dune area include Hooker willow (*Salix hookeriana*), slough sedge (*Carex obnupta*) hardhack (*Spiraea douglasii*), and black twinberry (*Lonicera involucrata*). (Ecological Land Services, 2007, 2008, 2011, 2012, 2013.)

**Birds.** The dune complex provides roosting habitat for shorebirds and songbirds; seabirds will also seek cover and roost in the dune during Pacific storm events. Observations of raptors are frequent.

**Mammals.** Small, shy or nocturnal mammals such as rodents and rabbits are infrequently observed in the dune. (ELS, *ibid*). Larger mammals such as deer are frequently observed, and in the springtime, black bear (*Ursus americanus*) are always present, but in varying degree depending on the year. In recent years, incidents involving habituated black bear in near-dune residential and commercial districts of Long Beach have noticeably increased.

### 3.3 Human-Influenced Conditions

#### 3.3.1 Land Use Patterns

In Long Beach and pursuant to the City’s current SMP (adopted via Ordinance No. 712), the western limit of private development is the 1980 SCL. The location of that line relative to the OHWM varies between 400 to 700 feet landward, and no private structural development has occurred—or under current law can occur—in that portion of the city’s shoreline jurisdiction from the OHWM two hundred feet (200’) landward. However, private structural development in the dune area can be and is located in the area of associated wetlands, which comprise a portion of the city’s shoreline jurisdiction. In addition, public recreational amenities such as the Discovery Trail, as well as the city’s boardwalk, public beach pavilion, beach approaches, and three (3) stormwater outfalls are located in the city’s jurisdictional shoreline, some in the jurisdictional wetland area and some in the western area within 200’ landward of the OHWM.

**Conservancy Lands.** All lands located west of the 1980 SCL and any lands under the authority of the state located west of the 1889 Line as well as certain lands controlled by the city and located west of that line are zoned Shoreline Conservancy. There are about a dozen (12) narrow parcels west of the 1889 Line controlled by the state in this category; there are two large blocks of land located west of the 1889 Line in this category that are controlled by the city: between 5<sup>th</sup> Street

Southwest and 4<sup>th</sup> Street Northwest (about 66 acres), and between 8<sup>th</sup> Street Northwest and 14<sup>th</sup> Street Northwest (about 73 acres).

### **3.3.2 Public Access**

The main beach access points in Long Beach are Sid Snyder Drive West and Bolstad Avenue West. These public beach access points are connected by the Discovery Trail and the city's boardwalk, as well as the ocean beach. Other than in the downtown corridor, pedestrian beach access is not signed, and there are many opportunities to increase the visibility of public pedestrian beach access.

### **3.3.3 Cultural Resources**

There remain a substantial number of structures in Long Beach dating from the late 1800s. However, due to the nearly 2,000 linear feet of beach accretion since that time, no historic, archaeological, or paleontological resources are known to occur in the relatively young jurisdictional shoreline area.

## **3.4 Environmental Issues**

### **3.4.1 Foredune**

European beachgrass has crowded out other species in the outer primary foredune. This may in part be the reason the dune is increasing in height, as European beachgrass more effectively traps sand than other beach grasses, increasing dune height. (<http://www.ecy.wa.gov/programs/sea/coast/plants/dunegrass.html>) This may be considered an impairment of certain functions. However, a taller dune also increases some shoreline functions because it provides increased protection from storms, coastal flooding, and tsunamis; it also visually screens most dune complex development from the ocean beach, providing a more natural beach experience.

### **3.4.2 Deflation Plain/Associated Wetlands**

Associated wetlands located in the deflation plain between the foredune and older sand ridge to the east run north-south. Development that occurs in the city's jurisdictional shoreline may be located in the associated wetlands, as east-west access is sought across the wetlands to gain access to a dry western building site. Any unmitigated wetland or buffer impairment offers an opportunity for restoration or mitigation.

The occurrence of both native and non-native invasive plant species in the dune complex provides opportunities for restoration or management. This could include extirpation of noxious vegetation as well as beach pine forest management.



## 4.0 SMP Elements: Goals & Strategies

Pursuant to RCW 90.58.100 (2), an SMP may include, where germane, up to seven (7) elements. To some extent each of the elements identified in the RCW apply to the city of Long Beach, and so all are discussed in this chapter. Because the Long Beach jurisdictional shoreline is for the most part an ocean shoreline, this SMP also includes an element regarding ocean resources.

In developing the goals and strategies presented in this chapter, the city recognizes that all of its shoreline jurisdiction is designated a Shoreline of Statewide Significance\* (SSWS\*) (RCW 90.58.030 (2)(f)(i)). As a SSWS the Long Beach shoreline is of value to the entire state and in developing this SMP the city is required to give ordered preference to uses that:

1. Recognize and protect the statewide interest over local interest;
2. Preserve and enhance the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of shorelines;
5. Increase public access to publicly owned areas of the shorelines; and
6. Increase recreational opportunities for the public in the shoreline. (RCW 90.58.020)

### 4.1 Economic Development

**Intent.** To guide the location of appropriate water-oriented uses in shoreline areas, including, projects of statewide significance, housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.

**GOAL ED1:** Foster long-range benefit to human economic pursuits and also ensure those pursuits will not degrade natural, historical/cultural, access, or other physical assets, functions, and values of the shoreline.

***Strategy ED1-1:*** Give priority to water-oriented uses that would provide an opportunity for substantial numbers of people to enjoy this SSWS.

***Strategy ED1-2:*** To the extent practicable, require shoreline development to accommodate or enhance scenic views and amenities of the Long Beach shoreline from all vantage points.

***Strategy ED1-3:*** Encourage new projects of a commercial nature to locate in areas already developed with similar uses consistent with this SMP.

***Strategy ED1-4:*** Require new or substantially expanded or renovated commercial development to provide shoreline access.

**Goal ED2:** Recognize and strengthen—or at a minimum do not impede—the area’s traditional economic base, which is dependent on the Long Beach shoreline.

**Strategy ED2-1:** Encourage shoreline uses that are tourism-oriented to increase statewide public use of this SSWS.

**Strategy ED2-2:** Discourage uses that would limit or substantially interfere with commercial, charter, or tribal fishing without fully mitigating that impact.

**Strategy ED2-3:** Ocean uses and associated on-shore facilities should be located, designed and operated consistent with ~~state guidelines, specifically WAC 173-26-360, as amended~~ the ocean management provisions of this SMP.

## 4.2 Public Access

**Intent.** To make provision for public access to publicly owned areas.

**Goal PA1:** Provide, maintain, and enhance a safe, convenient, and balanced system of public access, both physical and visual, that is compatible with current uses and that maintains the integrity of the Long Beach shoreline: a system that increases the amount and diversity of opportunity for the public to enjoy the Long Beach shoreline, including access for people with disabilities to the extent feasible, while respecting the rights of private ownership; a system that takes into account the natural features of the shoreline; a system that maintains the character of the community; and finally, a system that links recreational opportunities to one another.

**Strategy PA1-1:** Promote a coordinated system of connected pathways, sidewalks, passageways, beach walks, and shoreline access points that increase the amount and diversity of opportunities for walking and chances for personal discoveries.

**Strategy PA1-2:** Provide access for a range of users including pedestrians, cyclists, people with disabilities to the extent feasible, and pet owners.

**Strategy PA1-3:** Vary public access opportunities by providing a range of opportunities, including and not limited to boardwalks, paved and unpaved trails, sidewalks, viewing platforms of natural areas, and wildlife roosts visible from the ocean beach.

**Strategy PA1-4:** Continue to allow vehicular traffic on the beach in the same manner as it now occurs.

**Strategy PA1-5:** Enact and enforce regulations proscribing the use of ATVs/ORVs in the dune and on the beach and disallow driving any non-emergency vehicle in the dune except for limited property maintenance activities pursuant to city Ordinance No. 903, adopted August 18, 2014.

**Strategy PA1-6:** Maintain visual access to the ocean and ocean beach from the boardwalk, maintaining the dune where necessary between the boardwalk and the beach.

**Goal PA-2:** Increase the amount and quality of public shoreline access.

**Strategy PA2-1:** Mow certain undeveloped rights-of-way that extend westward to the ocean beach as pedestrian access trails consistent with the character, functions and values of the shoreline, private property rights, and public safety.



**Strategy PA2-2:** Expand the signage partnership between the Chinook Nation and city to mark key pedestrian beach access points along Ocean Beach Boulevard.

**Strategy PA2-3:** Provide parking at or near pedestrian trail spur heads along Ocean Beach Boulevard.

**Strategy PA2-4:** Require public beach access as part of subdivisions or other near-beach development where practicable, and where such access would provide superior access to city mowing of undeveloped rights-of-way.

**Strategy PA2-5:** Ensure development, uses, and activities on or near the shoreline do not impair or detract substantially from the public's visual or physical access to the water consistent with constitutional and other legal limitations on the regulation of private property.

**Strategy PA2-6:** Build the Dune-to-Pond Cross-town Trail, linking the ocean beach, boardwalk, Discovery Trail, and interdunal wetlands to the west with the fresh-water Culbertson Park pond/wetlands to the east.

**Strategy PA2-7:** Work with Pacific County and the Willapa National Wildlife Refuge to build the Cross-Peninsula Trail, linking the Pacific Ocean to Willapa Bay

**Strategy PA2-8:** Utilize multi-use facilities to increase public access and beach safety as well as improve habitat. Install raptor poles that include pedestrian access signage; paint each pole a unique and distinctive pattern to assist in beach rescues.

**Goal PA3: Maintain current levels of ocean fishing access, physical access to the ocean, and access to natural views of the ocean.**

**Strategy PA3-1:** Off-shore facilities should not substantially interfere with ocean fishing, or substantially alter public beach access or natural ocean views without fully mitigating their impacts ~~on same~~ consistent with the ocean management provisions of this SMP.

## 4.3 Recreation

**Intent.** Preserve existing, increase the number of, and increase the quality of recreational opportunities.

**Goal R1: Preserve existing recreational opportunities.**

**Strategy R1-1:** Do not allow uses that will conflict with existing shoreline recreational uses such as clamming, horseback riding, beachcombing, enjoyment of the natural beach experience etc.

**Goal R2: Increase the number of recreational opportunities and discoveries.**

**Strategy R2-1:** Develop and implement a Recreation Plan that increases shoreline recreational opportunities and links shoreline uses to recreational uses inland.

**Strategy R2-2:** Construct and maintain a major three-part memorial/tribute along the Discovery Trail dedicated to shipwrecks, to those lost at sea, and to rescuers.



*Strategy R2-3:* Allow the use of wind-powered vehicles on the beach consistent with Washington State Parks & Recreation rules, regulations, and policies.

*Strategy R2-4:* Provide and maintain equestrian amenities in the shoreline area.

*Strategy R2-5:* Provide and maintain at least one (1) viewing platform in the shoreline area.

**Goal R3: Increase the quality of recreational opportunities and discoveries.**

*Strategy R3-1:* Ensure that recreational features are compatible with adjacent and nearby uses.

*Strategy R3-2:* Provide a balance of recreation types: passive, active, open space.

*Strategy R3-3:* Ensure recreational facilities/activities do not adversely affect shoreline functions and values and are compatible with the natural integrity and character of the beach and dune.

*Strategy R3-4:* Incorporate art into trails, boardwalk, and beach approaches where practicable.

## 4.4 Circulation

**Intent.** To determine the general location and extent of existing and proposed major thoroughfares, transportation routes, and associated utilities and facilities, all correlated with the shoreline use, public access, and recreational SMP elements.

**Goal C1: Create and maintain a safe, convenient, non-motorized-friendly, and diversified circulation system to provide public access to the shoreline, efficient movement of people and goods, and with minimum disruption to the shoreline environment, as well as minimum conflict among shoreline uses, users, and abutting upland areas.**

*Strategy C1-1:* Site non-water-dependent transportation and parking facilities as far upland from the shoreline as practicable to reduce impacts to shoreline functions and values and to eliminate conflicts or interference with more suitable shoreline uses.

*Strategy C1-2:* Site transportation routes to minimize impacts to topography and other natural characteristics of the shoreline and dunal complex.

*Strategy C1-3:* Encourage use of non-motorized modes, the city's trolley, and other alternative modes of transportation for general access to and from the waterfront.

*Strategy C1-4:* Utilize trails to link the city's substantial recreational amenities, creating a system of these individual amenities and facilitating their use.

*Strategy C1-5:* Continue to allow vehicular beach access as it is currently allowed.

## 4.5 Shoreline Use

**Intent.** To consider the general distribution, location, and extent of shoreline uses as well as those uses on adjacent land areas including housing, commerce, transportation, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses and activities not specified in this SMP.

**Goal SU1: Preserve or develop shorelines in a manner that results in a balance of shoreline uses with minimal adverse effect on the quality of life and the environment.**

***Strategy SU1-1:*** Locate uses or activities that are not water-oriented away from the shoreline.

***Strategy SU1-2:*** Require uses on adjacent uplands be developed and managed so as not to negatively affect the quality of the city's shoreline.

***Strategy SU1-3:*** Locate more intensive uses unique to or dependent upon a shoreline location in previously-developed areas.

***Strategy SU1-4:*** Maintain the natural topography of undeveloped portions of the shoreline to prevent damage to the environment and to public health.

***Strategy SU1-5:*** Require shoreline structures be adaptable to natural changes in shorelands over time.

***Strategy SU1-6:*** Require shoreline uses and structures be visually compatible with shoreline character.

***Strategy SU1-7:*** Ensure shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.

***Strategy SU1-8:*** Allow shoreline uses that are compatible with and that help to preserve the natural beach experience.

**Goal SU2: Establish and implement strategies and regulations for land uses consistent with the requirements of the SMA, the Shoreline Guidelines, the Washington State Growth Management Act<sup>†</sup> (GMA<sup>†</sup>), and the Ocean Resources Management Act (ORMA), and which promote a mixture of reasonable and suitable shoreline uses that enhance the city's character, foster its historic and cultural identity, emphasize its historic connections to visitor-serving and commercial fishing trades, protect environmental resources, and achieve no net loss of shoreline functions and values.**

***Strategy SU2-1:*** Protect existing public and private views toward the shoreline, dune, and ocean; promote public safety; and avoid adverse impacts to critical areas, the dune complex, and the ocean beach to the extent practicable in the design of new development.

***Strategy SU2-2:*** Ensure public safety, enhance public access, and achieve no net loss of shoreline ecological functions by the location, design, and operation/maintenance of shoreline and near-shoreline activities, development, and redevelopment.

***Strategy SU2-3:*** For each SED, develop and enforce regulations and development standards protective of shoreline functions.

***Strategy SU2-4:*** For each of the city's shoreline zoning designations, continue to enforce regulations and development standards protective of shoreline functions.

***Strategy SU2-5:*** Allow public utilities, if they are located underground and the impacts of their construction and operation are mitigated.

**Strategy SU-6:** Reserve shoreline space for shoreline preferred uses.

**Strategy SU-7:** Planning for limited shoreline uses should consider upland and in-water uses, as well as effects to water quality, navigation, aquatic vegetation, fish and shellfish, critical habitats, aesthetics, public access, views, and the level of public benefit.

## 4.6 The Environment

**Intent.** To preserve natural resources, including but not limited to scenic vistas, aesthetics, and habitat for fisheries and wildlife protection.

### 4.6.1 In General

**Goal E1:** Increase public awareness of the functions that shorelines serve, and the value of those functions.

**Strategy E1-1:** The objectives of RCW 90.58.020 should be clearly relayed to the public, including the following:

- Recognize and protect the statewide interest over local interest;
- Preserve the natural character of the shoreline;
- Result in long term over short term benefit;
- Protect the resources and ecology of the shoreline;
- Increase public access to publicly owned areas of the shorelines;
- Increase recreational opportunities for the public in the shoreline;
- Provide for any element as defined in RCW 90.58.100 deemed appropriate or necessary.

**Strategy E1-2:** Offer the city's wetland signage to owners of property with wetlands at a reasonable cost, or if funding is found, at no cost. (see sign, below)





**Strategy E1-3:** Include at least one new interpretive panel on the city's boardwalk regarding shoreline functions and values and their importance.

**Goal E2:** The city should include planning for restoration of degraded shorelines.

**Strategy E2-1:** Implement the Shoreline Restoration Plan.

**Goal E3:** Recognize the value of the primary foredune and protect its environmental functions.

**Strategy E3-1:** Allow only very low intensity public good uses within 200 feet of the OHWM to maintain ecological functions and ecosystem-wide processes.

**Goal E4:** Achieve no net loss of shoreline functions and values.

**Strategy E4-1:** Develop and adhere to resource-protective regulations.

**Strategy E4-2:** Adhere to mitigation sequencing<sup>†</sup> as described in WAC 173-26-201 (2)(e), including the following, listed in order of preference:

1. Avoid impacts altogether by not taking a certain action or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectify impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reduce or eliminate impacts over time by preservation and maintenance operations;
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitor impacts, mitigation, and compensatory mitigation projects, taking appropriate corrective measures.

**Strategy E4-3:** Utilize multi-use facilities to improve habitat as well as increase public access and beach safety. Install raptor poles that include pedestrian access signage; paint each pole a unique and distinctive pattern to assist in beach rescues.

**Strategy E4-4:** Require wetland buffers pursuant to ~~the most current adopted version of the city's~~ Section 2.54 shoreline Critical Areas Regulations to achieve no net loss.

**Strategy E4-5:** Encourage restoration as part of development approval as opportunities arise.

#### 4.6.2 Critical Areas

**Goal E5:** Protect all critical areas to ~~the extent feasible~~ ensure no net loss of shoreline ecological functions necessary to sustain shoreline natural resources relative to new development, redevelopment, or property maintenance.

**Strategy E5-1:** Emphasize impact avoidance of critical areas and their buffers.

**Strategy E5-2:** Encourage restoration and enhancement of degraded critical areas as part of new development or redevelopment.

**Strategy E5-3:** When addressing issues related to critical areas, make decisions based on best available science (BAS).

**Strategy E5-4:** Pursuant to ~~the City's Critical Areas regulations~~ Section 2.5.4 shoreline Critical Area Regulations, require posting of the city's wetland signage as a condition of approval for developments located on properties with wetlands. See sign above.

**Goal E6: Restore hydraulic connectivity to functionally isolated wetlands.**

**Strategy E6-1:** Encourage restoration of hydraulic connectivity as part of development approval as opportunities arise.

**Strategy E6-2:** Require culverts in all new roads where culverts would maintain or restore hydraulic connectivity.

**Strategy E6-3:** Establish a program of culvert installation in existing roads where such installation would restore hydraulic connectivity. Culvert at least one (1) road or driveway per year under this program.

#### **4.6.3 Vegetation Management**

**Goal E7: Where economically feasible, gradually work toward eliminating invasive and managing nuisance species, increasing biological diversity, and increasing public safety by reducing fire load and eliminating large predator habitat.**

**Strategy E7-1:** Develop and adopt by ordinance a vegetation management program that addresses public information, invasive species eradication, vegetation thinning practices, and metrics of success.

**Strategy E7-2:** Encourage owners of property with Scotch broom and/or gorse and/or other noxious vegetation or other invasive species to eradicate same.

**Strategy E7-3:** Work with Pacific County Noxious Weed Board to establish a program of invasive noxious plant eradication.

**Strategy E7-4:** On property under the control of the city, and subject to the requirements of ~~the city's critical areas regulations~~ Section 2.5.4 shoreline Critical Area Regulations, as a pilot program thin beach pine forests and implement pilot woody debris/slash management practices. Monitor and assess success and use this information to inform and adaptively manage the vegetation management program.

#### **4.6.4 Surface Water**

**Goal E8: Protect water quality.**

**Strategy E8-1:** Emphasize avoidance of wetlands in project design.

**Strategy E8-2:** If wetlands exist in or adjacent to property, pretreat runoff in a vegetated swale or detention basin before discharging to wetlands.



**Goal E9: Where storm-related flooding does not currently exist, retain existing drainage patterns.**

*Strategy E9-1:* Current drainage patterns should be maintained.

*Strategy E9-2:* The city should periodically review and update its flood damage prevention and drainage regulations, and ensure developers and applicants are familiar with them.

**Goal E10: Where storm-related shallow flooding may occur, eliminate such flooding through design.**

*Strategy E10-1:* Alter drainage the minimum required to adequately protect life and property from flooding.

#### 4.6.5 Restoration

**Goal E11: Provide restoration opportunities for re-establishment and/or rehabilitation of impaired shoreline functions through voluntary, incentive-based public and private programs consistent with the intent of the SMA and the City's Critical Areas regulations.**

*Strategy E11-1:* Reclaim and restore biologically degraded areas to the extent practicable while continuing to allow appropriate shoreline development.

See also Goal E6 and Implementing Strategies E61, -2, and -3.

#### 4.6.6 Mitigation of Impacts

**Goal E12: Use an approach to mitigation that emphasizes avoidance of impacts through project design.**

*Strategy E12-1:* Adhere to mitigation sequencing<sup>†</sup>.

*Strategy E12-2:* Application of mitigation sequencing should achieve no net loss of ecological functions for each new development and should not result in mitigation in excess of that necessary to assure development will result in no net loss of shoreline ecological functions and will not have a significant adverse impact on other shoreline functions fostered by the policy of the SMA.

*Strategy E12-3:* When compensatory measures are appropriate pursuant to the mitigation sequence above, preferential consideration shall be given to measures that replace impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require safeguards, terms, or conditions to ensure no net loss of ecological functions.

*Strategy E12-4:* Consistent with LBMC 13-4-9, credits from a certified mitigation bank may be used to compensate unavoidable impacts.

#### 4.6.7 Tsunami Preparedness

**Goal E13: Prepare Long Beach for a worst case tsunami scenario.**

*Strategy E13-1:* Complete vertical evacuation structure at Long Beach Elementary School; plan and construct one or more smaller neighborhood-serving vertical evacuation structures.

*Strategy E13-2:* Build a pedestrian route that connects the city of Long Beach to the Long Beach water plant post-tsunami assembly area.

*Strategy E13-3:* Keep the public informed of changes in tsunami protocols, changes in scientific predictions, and changes in tsunami hazard mitigation.

*Strategy E13-4:* Maintain the Long Beach water treatment plant site as a post-tsunami assembly area.

### 4.7 History, Culture, Science, and Education

**Intent.** To protect and restore buildings, sites, and areas having historic, cultural, scientific, or educational value.

**Goal H1: Avoid impacts to historic structures and resources located adjacent or near to the jurisdictional shoreline.**

*Strategy H1-1:* While protecting property rights, and taking into account shoreline zoning standards, strive to retain historic ocean views for homes located on the old sand ridge near Ocean Beach Boulevard to the extent practicable.

**Goal H2: Use the Discovery Trail and boardwalk for public interpretation.**

*Strategy H2-1:* Continue to maintain existing interpretive panels regarding regional/local history and local biology along the trail and boardwalk.

*Strategy H2-2:* Add interpretive panels as funding allows to increase public awareness of shoreline functions.

*Strategy H2-3:* Add tributes, public art, memorials, and displays along the board walk and trail as funding allows.

### 4.8 Ocean ~~Resources~~ Management

**Intent.**

These general ocean management policies are applicable to all shoreline permits for newly proposed ocean uses, their services, distribution, and supply activities and their associated facilities. To balance protection, understanding, and utilization of resources of Long Beach's coastal waters, seabed, and associated shoreline.

#### 4.8.1—Protect

**Goal O1: Utilize ocean resources in a sustainable manner**



**Strategy 01-1:** Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

**Strategy 01-2:** Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts. When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

**Strategy 01-3:** The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

**Strategy 01-4:** For ocean uses and activities, SEPA shall be applied consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.

**Strategy 01-5:** Impacts on commercial resources, such as the crab fishery, on noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of a fishing season, should be considered in determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses.

**Strategy 01-6:** Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.

**Strategy 01-7:** Rehabilitation plans and bonds prepared for ocean uses should address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, inflation, new technology, and new information about the environmental impacts to ensure that state of the art technology and methods are used.

**Strategy 01-8:** Ocean uses and their associated coastal or upland facilities should be located, designed and operated to prevent, avoid, and minimize adverse impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.

**Strategy 01-9:** Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

**Strategy 01-10:** Ocean uses and their associated facilities should be located and designed to avoid and minimize adverse impacts on historic or culturally significant sites in compliance with chapter 27.34 RCW. Permits in general should contain special provisions that require permittees to comply with chapter 27.53 RCW if any archaeological sites or archaeological objects such as artifacts and shipwrecks are discovered.



**Strategy 01-11:** Ocean uses and their distribution, service, and supply vessels and aircraft should be located, designed, and operated in a manner that minimizes adverse impacts on fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.

**Strategy 01-12:** Ocean use service, supply, and distribution vessels and aircraft should be routed to avoid environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected.

**Strategy 01-13:** In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities' adequate protection from explosions, spills, and other disasters.

**Strategy 01-14:** Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.

**Strategy 01-15:** Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.

**Strategy 01-16:** Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.

**Strategy 01-17:** Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.

**Strategy 01-18:** Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.

**Strategy 01-19:** Special attention should be given to designs and methods that prevent, avoid, and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment. Such attention should be given particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

**Strategy 01-20:** Pre-project environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.



**Strategy 01-21:** Oil or gas exploration, development, or production should be prohibited from Cape Flattery south to Cape Disappointment; in Grays Harbor, Willapa Bay, and the Columbia River downstream from the Longview bridge. For all other areas the following policies apply:

- a. Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.
- b. To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.
- c. Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.

**Strategy 01-22:** The state's Marine Spatial Plan (MSP) provides a base of scientific information on ocean uses and resources, provides a framework for evaluating new ocean use proposals, and establishes protections for sensitive areas and fisheries. As such, the state's MSP informed the ocean management provisions of this SMP and should be utilized in their implementation.

**Goal 01:** ~~Use decisions that require shoreline permits shall be resource protective.~~

~~**Strategy 01-1:** Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will.~~

~~**Strategy 01-2:** Ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.~~

~~**Strategy 01-3:** Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.~~

~~**Strategy 01-4:** Ocean uses and activities that depend on sustaining function of the ecosystem or will not adversely impact renewable biological resources, public access, or cause a net loss in ecosystem function or a loss of existing uses shall be given priority over uses and activities that do not.~~

~~**Strategy 01-5:** When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.~~

~~**Strategy 01-6:** pursuant to WAC 173-26-360(4), neither the city nor state shall be precluded from opposing the introduction of new uses.~~

**Goal 02:** ~~Balance the geographic need for ocean resources with the geographic placement for their development.~~



~~**Strategy 02-1:** The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.~~

~~**Goal 03: Utilize existing vetted protective guidelines in ocean use decision making.**~~

~~**Strategy 03-1:** Ocean uses and associated on-shore facilities should be located, designed and operated consistent with state guidelines, specifically WAC 173-26-360 (Ocean Management, which implements the ORMA), as may be amended.~~

~~**Strategy 03-2:** All federal actions, including management plans updates, should be consistent with this SMP, which comprises an element of the State of Washington's Coastal Zone Management Program as recognized by the Coastal Zone Management Act (USC Title 16, Chapter 33) and Coastal Zone Management Re-authorization Amendments.~~

#### **4.8.2—Understand**

~~**Goal 04: Keep abreast of, contribute to, and utilize Best Available Science (BAS) regarding ocean resources.**~~

~~**Strategy 04-1:** Support the continued study of complex, dynamic, and interrelated coastal and estuarine environments in Pacific County.~~

~~**Strategy 04-2:** Encourage coordination amongst the array of agencies charged with the management and regulations of actions within coastal ocean areas within and beyond the boundaries of Pacific County.~~

~~**Strategy 04-3:** Supporting scientific documentation for conditional use permits should be available and fully considered before decisions are made. Documentation should adequately address seasonal, inter-annual, and spatial variability in ocean conditions and identify data gaps in studies that may affect project outcome approvals, disapprovals, or modifications including required mitigation.~~

~~**Goal 05: In the absence of best available science, strive for resource, economic, and cultural protection, and adaptively manage ocean uses.**~~

~~**Strategy 05-1:** Except as noted in Chapter 5 of this SMP, the city should prohibit permanent fixed structures and/or their appurtenant elements, to provide time for the development of information regarding potential significant adverse impacts of such ocean uses on ecological functions and existing resource-based uses including but not limited to fishing; and to develop recommendations for avoiding, minimizing and mitigating these impacts. The city will revisit and modify policies and regulations regarding permanent fixed structures to address new information and technology, including analyses and recommendations resulting from the marine spatial planning process per RCW 43.372, during scheduled periodic reviews of this SMP under RCW 90.58.080.~~

#### **4.8.3—Utilize**

~~**Goal 06: Utilize ocean resources in a sustainable manner.**~~

~~*Strategy 06-1:* Existing resource-based uses, ecological and ecosystem functions and processes in the coastal zone, and public access to ocean waters should be protected and preserved for current and future generations.~~

~~*Strategy 06-2:* Ocean uses should not adversely affect coastal communities, including the health, safety, and economic welfare of the county. Ocean uses that will have lesser adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have greater such impacts.~~



## 5.0 Shoreline Environment Designations (SEDs): Use and Development Standards Regulations

~~Table 5-1 summarizes more detailed use information by SED located in this chapter. The reader should verify allowable uses, developments, and modifications and the conditions under which they may be allowed or prohibited by reviewing sections 5.2 (Aquatic SED) and 5.3 (Conservancy SED) of this chapter.~~

### ~~5.1 Relationship of SEDs and Zoning~~

~~Shoreline Environment Designations (SEDs) serve largely the same purpose in the shoreline area as zoning designations do in the non-shoreline area. Designations include the following information:~~

- ~~1. A statement of intent. This describes what the shoreline or zoning designation is intended to achieve.~~
- ~~2. In the case of SEDs, the criteria for designating is described.~~
- ~~3. A list of prohibited, permitted, and conditional uses. Any proposed shoreline use not listed as prohibited, permitted, or conditional, may be treated as a conditional use.~~

~~Development regulations regarding lot size, lot coverage, setbacks, building heights, signage, parking, design review, and landscaping. These standards, in concert with buffer and other requirements of the city's Critical Areas Ordinance describe and codify the physical parameters for development. In the case of SEDs, additional requirements are described in the SED development regulations.~~

~~City of Long Beach zoning regulations include six (6) "shoreline" zones. Five (5) of these zones regulate land subject to private and public development located between the 1889 Line to the east and the 1980 SCL to the west. The sixth zone regulates land that is not subject to private development and comprises the area located between the 1980 SCL to the east and the western city limits, plus larger parcels under the jurisdiction of the city or the state west of the 1889 Line. The six (6) shoreline zones are as follows:~~

- ~~• S1 Shoreline Single Family~~
- ~~• S2 Shoreline Multiple Family~~
- ~~• S3 Shoreline Resort~~
- ~~• S3M Shoreline Resort Mixed Use~~
- ~~• S3R Shoreline Resort Restricted~~
- ~~• S4 Shoreline Conservancy~~



## 5.1 Designation of Shoreline Environments and Official Map

As established by Section 2.2, ~~Nearly-nearly~~ the entirety of the city's jurisdictional shoreline is located well west of the private building setback line at a distance from the developed areas of the city, and a substantial percentage is in public ownership; the remainder consists of associated wetlands, a critical area. See Appendix ~~+A~~ to this document for the SED shoreline map. This allows for a simplified SED scheme of only two (2) designations: Aquatic for the ocean beach and Pacific Ocean, and a locally-tailored redefinition of the Conservancy SED for areas identified as S4-Conservancy in the city's zoning regulations, including the jurisdictional shoreline located between the OHWM and 200' landward and associated wetlands that may be located beyond 200'. ~~See Appendix B to this document for the SED map.~~

### 5.1.1 Table of Shoreline Use, Development, and Modification by SED

Table 5.1 on the following page summarizes the permitted, conditional, and prohibited uses in the Conservancy and Aquatic SEDs. All permitted and conditional uses in Table 1 are subject to the provisions of this Master Program and may require other permits from the city or other regulatory agencies. The symbols used in the table are:

P = Permitted use

C = Conditional use

X = Prohibited use

NA = Not applicable

The reader should verify allowable uses, developments, and modifications, as well as the conditions under which they may be allowed or prohibited by review Sections 5.2 (Aquatic SED) and 5.3 (Conservancy SED) in this chapter.

Table 5-1: Shoreline Use, Development, and Modification by SED		
Shoreline Use, Development, or Modification	Conservancy	Aquatic
This table summarizes detailed information located in this SMP. The reader should verify allowable uses, developments, and modifications and the conditions under which they may be allowed or prohibited by reviewing sections 5.2 (Aquatic SED) and 5.3 (Conservancy SED) of this SMP. In interpreting this table, the following apply: X = Prohibited    P = Permitted    C= Conditionally permitted    NA = Not applicable		
Accessory or associated uses/structures/development	Reviewed as part of principal use; additional permits may be required	Reviewed as part of principal use; additional permits may be required
Agriculture	X	NA
Aids to Navigation	NA	P
Aquaculture	NA	P

Table 5-1: Shoreline Use, Development, and Modification by SED

Shoreline Use, Development, or Modification	Conservancy	Aquatic
<b>Beach or dune modification</b>		
Public	P	P
Private	Accessory to a principal use	NA
<b>Boating facilities (except piers/docks see below)</b>	X	X
<b>Commercial development</b>		
Water dependent that will not degrade shoreline functions	X	P
Water dependent that could degrade shoreline functions	X	C
Water enjoyment	C	C
Water related	C	X
Non water oriented	C	X
<b>Dredging and dredge material disposal</b>		
Maintenance dredging	NA	C
Dredging for water-dependent uses	NA	C
Dredging, other	NA	C
Disposal for permitted habitat restoration/enhancement	P	P
<del>Dredge disposal, other</del>	<del>X</del>	<del>X</del>
<b>Fill and excavation (<u>excludes ocean disposal</u>)</b>		
Fill	<u>P</u> - Accessory to a principal use	NA
Excavation	<u>P</u> - Accessory to a principal use	NA
<b>Habitat or natural systems restoration/enhancement projects <sup>1</sup></b>	P	P
<b>Historical/cultural/educational/scientific</b>		
Would not have a residually significant impact on shoreline resources	P	P
Could have a residually significant impact on shoreline resources (mitigation applies)	C	C
<b>Industrial</b>	X	X
<del>Energy production/processing</del>	<del>X</del>	<del>X</del>
<del>Water dependent that would not degrade shoreline functions</del>	<del>X</del>	<del>X</del>
<del>Water dependent that could degrade shoreline functions</del>	<del>X</del>	<del>X</del>
<del>Water related</del>	<del>X</del>	<del>X</del>
<del>Non water oriented</del>	<del>X</del>	<del>X</del>
<b>Mining (<u>excludes ocean mining</u>)</b>		
Sand removal pursuant to RCW 79A.05.630	P	P

Table 5-1: Shoreline Use, Development, and Modification by SED

Shoreline Use, Development, or Modification	Conservancy	Aquatic
Other mining	X	X <sup>2</sup>
<b>Ocean uses/modifications</b>	<b>NA</b>	<b>C</b>
<u>Includes fixed structures</u>	<u>X</u>	<u>X</u> <sup>3</sup>
<u>Does not include fixed structures and would not result in residually significant impacts to shoreline resources</u>	<u>Accessory to a principal use</u>	<u>P</u>
<u>Does not include fixed structures and could result in residually significant impacts to shoreline resources</u>	<u>Accessory to a principal use</u>	<u>C</u>
<u>Ocean oil &amp; gas use and activities</u>	<u>X</u>	<u>X</u>
<u>Ocean Disposal</u>	<u>X</u>	<u>C</u>
<u>Ocean Mining</u>	<u>X</u>	<u>C</u>
<u>Ocean research</u>		
<u>Ocean research meeting definition of "exploration activity" under WAC 173-15</u>	<u>X</u>	<u>X</u>
<u>All other ocean research</u>	<u>P</u>	<u>P</u>
<u>Ocean salvage</u>		
<u>Emergency ocean salvage</u>	<u>P</u>	<u>P</u>
<u>Non-emergency ocean salvage</u>	<u>C</u>	<u>C</u>
<u>Ocean transportation</u>	<u>X</u>	<u>C</u>
<b>Piers or docks</b>		
Public	X	C
Residential, Commercial, Industrial	X	X
<b>Public safety facilities/activities</b>	<b>P</b>	<b>NA</b>
<b>Recreation</b>		
Uses or activities that would not degrade shoreline functions	P	P
Uses or activities that could degrade shoreline functions (mitigation required)	P	C
Public access	P	P
Festivals	P	P
<b>Residential development</b>	<b><u>PX</u></b>	<b>X</b>
<b>Shoreline stabilization</b>		
New hard	NA	C
New soft	NA	P
Repair and replacement	NA	P
<b>Signage</b> (public information or temporary)	<b>P</b>	<b>P</b>
<b>Transportation and parking</b>		



**Table 5-1: Shoreline Use, Development, and Modification by SED**

Shoreline Use, Development, or Modification	Conservancy	Aquatic
Public access that would not have a residually significant impact on shoreline resources	P	P
Public access that could have a residually significant impact on shoreline resources	C	C
Private access	Accessory to a principal use	X
Parking lots	Accessory to a principal use	X
<b>Utilities</b>		
Cannot be placed outside the SED and would not have a residually significant impact on shoreline resources	P	P
Cannot be placed outside the SED and could have a residually significant impact on shoreline resources	C	C
Underground	P	P
Accessory utilities	Accessory to a principal use	Accessory to a principal use
<b>Vegetation Management</b>	P	NA

1. Projects to protect or restore ecological functions may be allowed by either a shoreline substantial development permit or, when consistent with 6.1.1, an exemption.
2. Ocean beach mineral prospecting conducted under a valid Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife is allowed.
- ~~3. Temporary structures are a conditional use consistent with the Ocean Resources Section 4.8 and the Aquatic SED use regulations Section 5.2.3~~
- ~~4. The leasing of Washington's tidal or submerged lands in the Pacific Ocean for oil and gas exploration, development and production is currently prohibited by statute (RCW 43.143.010 (2)).~~

~~The city has in place a robust framework for regulating land use in those areas that have a shoreline zoning designation in the city's zoning code.~~

~~Nearly the entirety of the city's jurisdictional shoreline is located well west of the private building setback line at a distance from the developed areas of the city, and a substantial percentage is in public ownership; the remainder consists of associated wetlands, a critical area. See Appendix 1 to this document for the jurisdictional shoreline map. This allows for a simplified SED scheme of only two (2) designations: Aquatic for the ocean beach and Pacific Ocean, and a redefinition of the Conservancy SED for areas identified as S4 Conservancy in the city's zoning regulations, including the jurisdictional shoreline located between the OHWM and 200' landward and associated wetlands. See Appendix B to this document for the SED map.~~

## 5.2 Aquatic SED

### 5.2.1 Intent

To protect, restore, and manage unique characteristics and resources of the ocean beach and the Pacific Ocean; to maintain or increase access, including both beach access and traditional fishing

access to ocean seabed and waters; and to increase recreational opportunities. The Aquatic SED implements in part the Natural use designation of the City of Long Beach Comprehensive Plan.

### 5.2.2 Designation Criteria

Pursuant to WAC 173-26-211(5)(c)(iii), this SED applies all to lands and water located west of the Pacific Ocean OHWM. In Long Beach, the Aquatic SED is an area approximately 2.5 miles north to south between the north and south city limits and three (3) nautical miles east to west, from the Pacific Ocean OHWM waterward including the ocean beach and Pacific Ocean seabed and waters.

### 5.2.3 Use Regulations

Should a use be proposed for the Aquatic SED that is not anticipated in this SMP, the city shall review the use via a shoreline CUP in conjunction with all other required permits. Any use, structure, or activity accessory to or associated with a principal use shall be considered part of the principal use; the entirety of the action, including principal use and all accessory or associated elements shall be considered during project review by the City of Long Beach.

### 5.2.3 Use Regulations

Should a use be proposed for the Aquatic SED that is not anticipated in this SMP, the city shall review the use via a shoreline CUP in conjunction with all other required permits. Any use, structure, or activity accessory to or associated with a principal use shall be considered part of the principal use; the entirety of the action, including principal use and all accessory or associated elements shall be considered during project review by the City of Long Beach.

#### **Prohibited Uses**

- ~~1. Boating Facilities (except public piers/docks)~~
- ~~2. Disposal of dredge material, except as noted below~~
- ~~3. Energy production/processing~~
- ~~4. Industrial~~
- ~~5. In-water uses that would result in long-term significant adverse impacts to coastal or marine resources, particularly renewable resources, or uses without fully mitigating those impacts, or that are otherwise inconsistent with requirements of this SMP, the SMA, the ORMA, or the federal Coastal Zone Management Act~~
- ~~6. Mining, except as noted below~~
- ~~7. Ocean uses as defined in WAC 173-26-360(3) that include fixed structures, unless otherwise noted herein~~
- ~~8. Parking lots~~
- ~~9. Residential~~



## Permitted Uses

1. ~~Aids to navigation~~
2. ~~Aquaculture~~
3. ~~Commercial, tribal, and recreational fishing and shellfishing~~
4. ~~Habitat or natural systems restoration/enhancement, including disposal necessary as part of permitted restoration/enhancement~~
5. ~~Mining: Sand removal conducted pursuant to RCW 79A.05.630~~
6. ~~Ocean uses as defined in WAC 173-26-360(3) that do not include fixed structures and would not result in a residually significant<sup>†</sup> impact to shoreline or ocean resources~~
7. ~~Public access that would not have a residually significant impact on shoreline resources~~
8. ~~Public beach or dune management~~
9. ~~Public information or temporary event signage~~
10. ~~Recreation—Festivals~~
11. ~~Repair/replace shoreline stabilization~~
12. ~~Scientific and/or research uses that would not have a residually significant impact on shoreline resources~~
13. ~~Shoreline stabilization, soft~~
14. ~~Underground utilities/infrastructure.~~
15. ~~Water dependent uses that would not degrade shoreline functions~~
16. ~~Conditional Uses Dredge disposal for restoration.~~
17. ~~Dredging, pursuant to state and federal permitting requirements~~
18. ~~In-water uses and associated on-shore facilities that would not result in long-term significant adverse impacts to coastal or marine resources, that fully mitigate their impacts, and that are otherwise consistent with requirements of this SMP, the SMA, the federal Coastal Zone Management Act, the Ocean Resource Management Act and WAC 173-26-360~~
19. ~~Recreational uses that may affect shoreline functions and that fully mitigate their impacts~~
20. ~~Ocean uses as defined in WAC 173-26-360(3) that do not include fixed structures and could result in a residually significant<sup>†</sup> impact to shoreline or ocean resources. Fixed Structures that interfere with existing ocean uses, including fishing or navigation, are prohibited except that temporary fixed structures may be permitted as a conditional use for a period of up to two years, with an option for a one-year extension. Single anchor systems are permitted.~~
21. ~~Over-water structures are conditionally allowed only for water-dependent uses, public access, or ecological restoration. The size of new over-water structures is limited to the minimum necessary to achieve the structure's intended use~~



~~22. Public access that could have a residually significant impact on shoreline resources~~

~~23. Public piers or docks.~~

~~24. Scientific and/or research uses that could have a residually significant impact on shoreline resources~~

~~25. Shoreline stabilization, hard~~

~~26. Water-oriented uses not listed as permitted uses~~

#### **5.2.4 Development Regulations**

##### **General**

1. All development must adhere to mitigation sequencing.
2. All development resulting in visible above-ground or above-water facilities or signage shall comply with the city's Design Guidelines and shall be subject to design review pursuant to Long Beach city code 12-10 and 10A.
3. Development shall be located, designed, and operated to result in no net loss of shoreline functions.
4. Development shall be located, designed, and operated to avoid adverse impacts to other shoreline uses, resources, and values including but not limited to navigation, recreation, and public access.
5. The maximum height of any building located on the beach shall be fifteen feet (15') above adjacent grade.
6. The maximum height of any in-water structure shall be determined through design review, as demonstrated by a viewshed analysis that identifies impacts to views toward the ocean from the ocean beach.
7. Shoreline structures shall be designed to be adaptable to natural changes in shorelands over time to the extent practicable.
8. Utilities are required to be located in existing rights-of-ways whenever possible. WAC 173-26-241(3)(l).
9. Shoreline stabilization standards can be found in WAC 173-26-231(3)(a)(iii).

##### **Buffers**

10. No permanent at-grade or above-ground development shall be allowed within 200 feet of the OHWM, as measured on a horizontal plane perpendicular to the OHWM other than restoration or enhancement projects, public access, public infrastructure, or public safety facilities.

### **Fill/Grading**

11. Filling or grading shall occur only in support of permitted and conditional uses.
12. Fill or grading shall be the minimum allowed to achieve the permitted purpose.
13. Fills shall be located, designed, and constructed to protect shoreline functions and ecosystem-wide processes.
14. Fill shall consist of clean materials with a minimum potential for degrading water quality.
15. Pile-supported structures shall be preferred over fills unless it can be demonstrated that fill will provide better ecological function.

### **Aquaculture**

16. Aquaculture operations shall be located, designed, and operated to achieve the following:
  - a. Prevent spread of disease to native aquatic life;
  - b. Prevent establishment of new nonnative species which cause significant ecological impacts;
  - c. Avoid conflict in customary navigation channels and other water-dependent uses; and
  - d. Minimize impacts to native eelgrass and macroalgae, with the following exceptions;
    - i. Aquaculture operations are not required to avoid impacts on eelgrass or macroalgae that colonizes in aquaculture operations.
    - ii. Aquaculture operations are not required to avoid impacts on non-native eelgrass.
  - e. Avoid significant adverse impacts to the aesthetic qualities of the shoreline.
  - f. Avoid degradation of water quality.

### **Dredging and Dredge Disposal**

17. Dredging and dredge disposal (~~the latter~~ for restoration/enhancement only,) shall occur in a manner that avoids or minimizes significant shoreline or ecosystem impacts; impacts that cannot be avoided shall be mitigated in a manner that results in no net loss of shoreline functions or existing uses.
18. New development shall be sited and designed to first avoid or second to minimize the need for new and maintenance dredging.
19. Dredging shall minimize interference with water-dependent activities.
20. Dredging shall be scheduled to minimize impacts to biological productivity.

### **In-water Structures**

21. Piling installation shall be permitted only in conjunction with a permitted use and shall be the minimum necessary to accomplish the proposed use.
22. In-water structures shall not impede migration of anadromous fish.

23. Consider the following in the location, planning, and design of new in-water structures:
- a. Public access to shorelines;
  - b. Flood protection;
  - c. Preservation of historic and cultural resources;
  - d. Protection and preservation of ecosystem-wide processes and ecological functions;
  - e. Impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species;
  - f. Watershed functions and processes;
  - g. Hydrogeological, hydraulic, and hydrologic processes; and
  - h. Preservation of natural scenic vistas.

#### **Restoration**

24. Restoration and resource enhancement shall be consistent with the *Final Restoration Plan: Long Beach Shoreline Master Program Update* (City of Long Beach, 2015; May).
25. Restoration or enhancement projects shall include maintenance and monitoring for a period determined in the project permit.
26. Restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices.
27. Habitat creation, expansion, restoration, and enhancement projects may be permitted in all shoreline environment designations subject to required state or federal permits when the applicant has demonstrated that:
- a. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;
  - b. Water quality will not be degraded;
  - c. Impacts to critical areas and buffers will be avoided as practicable and where unavoidable, minimized and fully mitigated to achieve no net loss of function; and
  - d. The project will not substantially interfere with the historic public use of navigable waters of the state.

#### **Water Quality**

28. New development shall result in no net increase in off-site runoff and shall be required to demonstrate this requirement is met.
29. All new development shall comply with the city's flood damage prevention and drainage regulations, as well as any drainage-related conditions of approval.
30. Any in-water development components shall use non-toxic materials to the extent practicable.



## Ocean Uses

~~31. Pursuant to WAC 173-26-360(6), the city and Ecology may permit ocean or coastal uses and activities as a substantial development, variance, or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:~~

- ~~a. There is a demonstrated significant local, state, or national need for the proposed use or activity;~~
- ~~b. There is no reasonable alternative to meet the public need for the proposed use or activity;~~
- ~~c. There will be no likely long term significant adverse impacts to coastal or marine resources or uses;~~
- ~~d. All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;~~
- ~~e. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, and commercial and tribal fishing;~~
- ~~f. Compensation is provided to mitigate adverse impacts to coastal resources or uses;~~
- ~~g. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and~~
- ~~h. The use or activity complies with all applicable local, state, and federal laws and regulations.~~

## 5.3 Conservancy SED

### 5.3.1 Intent

To protect shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. The Conservancy SED implements in part the Parks, Recreation, and Open Space use designation of the City of Long Beach Comprehensive Plan.

### 5.3.2 Designation Criteria

Pursuant to WAC 173-26-211(5)(e)(iii), this designation is applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses if any of the following characteristics apply:

1. They are suitable for water-related or water-enjoyment uses;
2. They are open space, flood plain, or other sensitive areas that should not be more intensively developed;

3. They have potential for ecological restoration;
4. They retain important ecological functions, even though partially developed; or
5. They have the potential for development that is compatible with ecological restoration.

In Long Beach, the Conservancy SED generally encompasses the primary dune, and is relatively free of human influence, except the presence of several facilities or portions of facilities that serve the public good. The Conservancy SED applies to all lands located between the north and south city limits and between the Pacific Ocean OHWM to the west and 200 feet east of the OHWM to the east plus those interdunal wetlands located west of the 1889 Government Meander Line; also, this SED applies to all associated wetlands.

### 5.3.3 Use Regulations

Should a use be proposed for the Conservancy SED that is not anticipated in this SMP, the city shall review the use via a shoreline CUP in conjunction with all other required permits. Any use, structure, or activity accessory to or associated with a principal use shall be considered part of the principal use; the entirety of the action, including principal uses and all accessory or associated elements shall be considered during project review by the City of Long Beach.

#### Prohibited Uses

- ~~— Except as specified below and in the SMA, specifically prohibited are non-water oriented uses or infrastructure that could practicably be located outside the Conservancy SED~~
- ~~— Agriculture~~
- ~~— Disposal of dredge or other material, unless noted herein~~
- ~~— Dune modification except as stated below~~
- ~~— Energy production/processing~~
- ~~— Industrial development~~
- ~~— Mining, except as noted below~~

#### Permitted Uses

- ~~— Habitat or natural systems restoration/enhancement, including disposal necessary as part of permitted restoration/enhancement~~
- ~~— Historical and/or cultural uses that would not have a residually significant impact on shoreline resources~~
- ~~— Interpretative facilities and signage that would not have a residually significant impact on shoreline resources~~
- ~~— Mining: Sand removal conducted pursuant to RCW 79A.05.630~~
- ~~— Public access that would not have a residually significant impact on shoreline resources~~
- ~~— Public dune/beach maintenance to periodically adjust the height of the dune between the boardwalk and the ocean~~
- ~~— Public information or temporary event signage~~
- ~~— Public infrastructure that cannot practicably be located outside the Conservancy SED and that does not have a residually significant impact on shoreline resources~~
- ~~— Public safety facilities/activities~~



- ~~— Recreation— Festivals~~
- ~~— Residential~~
- ~~— Scientific and/or research uses that would not have a residually significant impact on shoreline resources~~
- ~~— Underground utilities/infrastructure~~
- ~~— Vegetation management/fire and large predator control activities pursuant to the goals and strategies of this SMP~~
- ~~— Vegetation management that is part of ongoing maintenance of uses, facilities, infrastructure, public rights of way, or utilities, provided the vegetation management activity does not expand into a critical area~~

### **Conditional Uses**

- ~~— Any use not exempt from the permitting requirements of the SMA, including those defined in Chapter 8 of the Long Beach zoning regulations, resulting in impacts to associated wetlands located west of the 1889 line and east of 200 feet landward of the OHWM~~
- ~~— Historical and/or cultural uses that may have a residually significant impact on shoreline resources~~
- ~~— Interpretative facilities that may have a residually significant impact on shoreline resources~~
- ~~— Public access that may have a residually significant impact<sup>+</sup> on shoreline resources~~
- ~~— Public infrastructure that cannot practicably be located outside the Conservancy SED and that may have a residually significant impact on shoreline resources~~
- ~~— Recreational amenities that may have a residually significant impact<sup>+</sup> on shoreline resources~~
- ~~— Scientific and/or research uses that could have a residually significant impact on shoreline resources~~
- ~~— Upland facilities associated with a permitted off shore use~~
- ~~— Water oriented uses that serve a public purpose~~

## **5.3.4 Development Regulations**

### **General**

1. All development shall adhere to mitigation sequencing.
2. All development resulting in visible above-ground facilities or signage shall comply with the city's Design Guidelines and shall be subject to design review pursuant to Long Beach city code 12-10 and 10A.
3. Development shall be located, designed, and operated to result in no net loss of shoreline functions.
4. Development shall be located, designed, and operated to avoid adverse impacts to other shoreline uses, including but not limited to recreation and public access.
5. In the areas of associated wetlands, the building setback line for all private development shall be the 1980 SCL, except that between Sid Snyder Drive West and Bolstad Avenue West, the building setback Line for all private development shall be the 1968 SCL.



6. Any use that is not exempt from the permitting requirements of the SMA, including those defined in Chapter 12 of the Long Beach zoning regulations, resulting in impacts to associated wetlands located west of the 1889 line and east of 200 feet landward of the OHWM shall require a conditional use permit.
7. The maximum height of any structure located on land shall be thirty-five feet (35') above highest adjacent grade, except in the area of associated wetlands (see below for those standards).
8. In the area of associated wetlands, Long Beach zoning development standards applicable to the underlying zoning designation shall apply, including lot size, lot coverage, building height, lot line setbacks, signage, parking, design review, landscaping, and accessory building size.
9. Before new commercial nonwater-oriented development is permitted within associated wetlands, the proponent must demonstrate that upland areas are not feasible for the intended economic activity.

#### **Buffers**

10. No at-grade or above-ground development other than restoration or enhancement projects, public access, public infrastructure, or public safety facilities shall occur within 200 feet of the ocean OHWM, as measured on a horizontal plane perpendicular to the OHWM.
11. For associated wetlands, buffers shall be those required by the city's Critical Areas regulations.

#### **Fill/Grading**

12. Other than dune modification for boardwalk maintenance by the city, filling or grading shall occur only in support of exempted, permitted, or conditional uses, ~~or development permitted by a variance.~~
13. Dune modification for boardwalk maintenance may occur only when:
  - a. A direct view of the Pacific Ocean from the boardwalk is impaired by the dune; or
  - b. When the dune beneath the boardwalk rises to within two feet (2') of the underside of the boardwalk.
14. Fill or grading shall be the minimum allowed to achieve the permitted purpose.
15. Fills shall be located, designed, and constructed to protect shoreline functions and ecosystem-wide processes.
16. Fill shall consist of clean materials with a minimum potential for degrading water quality.
17. Pile-supported structures shall be preferred over fills unless it can be demonstrated that fill will provide better ecological function.

### **Dredging and Dredge Disposal**

18. Dredge disposal (for restoration only) shall occur in a manner that avoids or minimizes significant shoreline or ecosystem impacts; impacts that cannot be avoided shall be mitigated in a manner that results in no net loss of shoreline functions or existing uses.
19. Dredge disposal shall minimize interference with water-dependent activities.
20. Dredge disposal shall be scheduled to minimize impacts to biological productivity.

### **In-water Structures**

21. Piling installation shall be permitted only in conjunction with a permitted use and shall be the minimum necessary to accomplish the proposed use.
22. Consideration of all of the following in the location, planning, and design of new in-water structures:
  - a. Public access to shorelines;
  - b. Flood protection;
  - c. Preservation of historic and cultural resources;
  - d. Protection and preservation of ecosystem-wide processes and ecological functions;
  - e. Impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species;
  - f. Watershed functions and processes;
  - g. Hydrogeological, hydraulic, and hydrologic processes; and
  - h. Preservation of natural scenic vistas.
23. Pin-piles shall be a preferred ~~method, and~~ method and shall not be considered fill.

### **Vegetation Management**

24. Vegetation management, fire, and large predator control activities pursuant to the goals and strategies of this SMP.
25. Vegetation management that is part of ongoing maintenance of uses, facilities, infrastructure, public rights-of-way, or utilities, provided the vegetation management activity does not expand into a critical area

### **Restoration**

- ~~24-26.~~ Restoration and resource enhancement shall be consistent with the *Final Restoration Plan: Long Beach Shoreline Master Program Update* (City of Long Beach, 2015; May).
- ~~25-27.~~ Restoration or enhancement projects shall include maintenance and monitoring for a period determined in the project permit.
- ~~26-28.~~ Restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices.

27.29. Habitat creation, expansion, restoration, and enhancement projects may be allowed in all shoreline environment designations subject to required state or federal permits when the applicant has demonstrated that:

- a. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;
- b. Water quality will not be degraded;
- c. Flood storage capacity will not be degraded;
- d. Impacts to critical areas and buffers will be avoided as practicable and where unavoidable, minimized and fully mitigated to achieve no net loss; and
- e. The project will not substantially interfere with the historic public use of navigable waters of the state.

### **Water Quality**

28.30. New development shall result in no net increase in off-site runoff and shall be required to demonstrate this requirement is met.

29.31. All new development shall comply with the city's flood damage prevention and drainage regulations, as well as any drainage-related conditions of approval.

## **5.4 Ocean Uses**

### **5.3.1 Intent**

To protect, restore, and manage unique characteristics and resources of the ocean environment consistent with the Ocean Resources Management Act.

### **5.3.2 Designation Criteria**

The Ocean Management Regulations within this section apply to the Conservancy SED and the Aquatic SED.

### **5.3.3 Ocean Management Regulations**

1. The following ORMA ocean management regulations apply to all shoreline permits for newly proposed ocean uses, their services, distribution, and supply activities and their associated facilities:
  - a. Oil and gas exploration, development, and production is prohibited in tidal or submerged lands extending from the mean high tide seaward three miles.
  - b. Ocean disposal uses may be allowed when the applicant has demonstrated the following:
    - i. Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment;



- ii. The ocean disposal site has been approved by the Washington department of ecology, the Washington department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers, as appropriate. ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of locations;
  - iii. The ocean disposal site has been located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development; and
  - iv. Ocean disposal should be sited in areas where the dredge material will provide beneficial use to the greatest extent possible.
- c. Ocean energy producing uses should only be allowed when the applicant has demonstrated the following:
  - i. The location, construction, and operation has been designed in a manner that has no detrimental effects on beach erosion, accretion, and wave processes;
  - ii. The effect of the project on upwelling and other oceanographic and ecosystem processes have been assessed; and
  - iii. Associated energy distribution facilities and lines are located in existing utility rights of way and corridors, whenever feasible.
- d. Ocean mining may be allowed consistent with all of the following:
  - i. The applicant has demonstrated that the location and operation has been designed in a manner that has no detrimental effects on ground fishing, renewable resource uses, beach erosion and accretion processes; and
  - ii. The applicant has provided for mitigation of impacts that accounts for the established habitat recovery rates
- e. Ocean research uses may be allowed consistent with the following:
  - i. Other ocean uses occurring in the same area have been identified and potential use conflicts have been minimized.
  - ii. Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of WAC 173-15: Permits for oil or natural gas exploration activities conducted from state marine waters.
  - iii. The project has been located and will be operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.
  - iv. Upon completion or discontinuance of the ocean research the site shall be restored to its original condition to the maximum extent feasible, consistent with the purposes of the research.
  - v. Ocean research findings should be made available for public dissemination, whenever feasible.

f. Ocean salvage uses may be allowed consistent with the following:

- i. Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.
- ii. Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

g. Ocean transportation uses may be allowed consistent with the following:

- i. The applicant has provided an assessment of the impacts the proposed transportation use will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves, and sanctuaries.
- ii. When feasible, hazardous materials such as oil, gas, explosives, and chemicals, should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.
- iii. Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible

2. Important, Sensitive, and Unique Areas (ISU) Designation. The ISUs assign protection standards and definitions for adverse effects for a list of ecological, historic, cultural, and infrastructure areas. The MSP provides maps utilizing the best available data on ISU locations.

a. Ecological ISUs

- i. Biogenic Habitats: Aquatic vegetation, corals, and sponges
- ii. Rocky Reefs
- iii. Seabird colonies: islands and rocks used for foraging and nesting by seabirds.
- iv. Pinniped haul-outs
- v. Forage fish spawning areas: intertidal areas used for spawning by herring, smelt or other forage fish.

b. Historic, Cultural and Infrastructure ISUs

- i. Historic and archaeological sites: Structures or sites over 45 years old that are listed or eligible for listing in local, state or national preservation registers (e.g. shipwrecks or lighthouses); or Artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens).



- ii. Buoys and submarine cables: Fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g. hydrophones) and any associated mooring lines, anchors or other equipment.
- 3. Mapping and Location. The state has developed maps of ISUs intended to assist applicants in identifying where ISUs exist. <https://www.msp.wa.gov/important-sensitive-and-unique-areas-isus/>. However, ISU protection standards will apply to any ISU, wherever it is identified in state waters. It is the responsibility of applicants to verify whether ISUs exist in their proposed project area and to demonstrate protection standards will be met.
- 4. ISU Protection Standards. New ocean uses should only be allowed when the applicant can demonstrate consistency with the following ISU adverse effects and protection standards:
  - a. An applicant for proposed new ocean uses involving offshore development must demonstrate that the project will have no adverse effects on an ISU located at the project site and to off-site ISUs potentially affected by the project, using site-specific surveys, scientific data and analysis, which demonstrate either:
    - i. The current ISU maps do not accurately characterize the resource or use or the project area (mapped or not mapped) does not contain an ISU resource or use; or
    - ii. The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU.
      - A. Adverse effects standards for Ecological ISUs means degradation of ecosystem function and integrity (direct habitat damage, burial of habitat, habitat erosion, and reduction in biological diversity) or degradation of living marine organisms (abundance, individual growth, density, species diversity, and species behavior).
      - B. Adverse effects standards for historic, cultural or fixed infrastructure ISUs include the following:
        - (1) Direct impacts from dredging, dumping, or filling;
        - (2) Alteration, destruction or defacement of historic, archaeological or cultural artifacts; and
        - (3) Direct impacts from placement or maintenance of new, temporary or permanent structures in areas with existing infrastructure or historic, archaeological or cultural artifacts.
  - b. Additional buffers may be appropriate to protect ISU resources from adverse effects. Project developers shall consult with the Washington Department of Fish and Wildlife on recommended buffers for Ecological ISUs associated with their proposed project prior to filing application materials with local or state agencies. Project developers shall consult with the Washington Department of Archaeological and Historical Preservation and tribal



preservation officers on further identification and protection of cultural or historical artifacts.

5. Applicants for proposed new ocean uses involving offshore development must consult with WDFW, individuals participating in affected commercial and recreational fisheries, and each of the coastal tribes to identify and understand the proposed project's potential adverse effects to fisheries and tribal uses.
6. Fisheries Protection standards. New ocean uses involving offshore development shall only be allowed when the applicant can demonstrate that their project meets all of the following standards to protect fisheries located at the project site and nearby from adverse effects:
  - a. There are no likely long-term significant adverse effects for commercial or recreational fisheries. Adverse effects can be direct, indirect or cumulative.
    - i. A significant reduction in the access of commercial or recreational fisheries to the resource used by any fishery or a fishing community(s);
    - ii. A significant increase in the risk to entangle fishing gear;
    - iii. A significant reduction in navigation safety for commercial and recreational fisheries; and
    - iv. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.
  - b. All reasonable steps are taken to avoid and minimize social and economic impacts to fishing.
    - i. Avoid adverse social and economic impacts to fishing through proposed project location, design, construction, and operation, such as avoiding heavily used fishing areas. Where adverse impacts to fishing cannot be reasonably avoided, demonstrate how project has minimized impacts;
    - ii. Minimize the number of and size of anchors. Space structures for greater compatibility with existing uses and bury cables in the seafloor and through the shoreline;
    - iii. Minimize risk of entangling fishing gear from new structures installed in the seafloor or placed in the water. Minimize the displacement of fishers from traditional fishing areas, and the related impact on the travel distance, routing, and navigation safety in order to fish in alternative areas;
    - iv. Minimize the compression of fishing effort caused by the reduction in the areas normally accessible to fishers;
    - v. Minimize the economic impact resulting from the reduction in area available for commercial and recreational fishing for the effected sectors and ports.
    - vi. Limit the number and size of projects located in an area to minimize the impact on a particular port, sector, or fishery;
    - vii. Consider the distribution of projects and their cumulative effects; and

viii. Other reasonable and relevant considerations as determined by the fisheries consultation process and specifics of the proposed project.

## 6.0 Administration: Permits, Enforcement, Modifying the SMP

Pursuant to RCW 90.58.140(2), this chapter establishes an administrative and enforcement program for shoreline permits. It assigns responsibilities for review of shoreline development permits, prescribes processes by which shoreline permit applications will be reviewed, and describes public notice requirements. It briefly describes the enforcement process, which is described in detail in other city regulations and is consistent with WAC 173-27, Part II. Finally, this chapter describes how the SMP may be amended.

### 6.1 Permits

The city's shoreline permitting program is intended to ensure all shoreline permit applications are dealt with in a predictable and equitable manner. A shoreline permit must incorporate consideration of an entire project, and a determination of consistency for an entire project with the SMA and this SMP must be made; however, only that portion of a proposed project located within shoreline jurisdiction must meet SMA and SMP policies, regulations, and standards.

This SMP establishes use regulations for permitted and conditional uses; permit procedures for various levels of development (exemptions, SSDPs, Shoreline CUPs); and procedures for shoreline variances. In circumstances where more than one type of approval is required, the applications shall be submitted and processed simultaneously.

The Director of Community Development or his/her designee shall determine the proper procedure for all shoreline permit applications.

Within the City of Long Beach, all non-exempt substantial development undertaken within shorelines of the state must first obtain a SSDP, shoreline CUP, and/or variance from the city. "Substantial development" means any development for which the total cost or fair market value exceeds ~~\$6,416,047~~ (as adjusted in ~~2014~~2017) or as may be adjusted for inflation under the provisions of RCW 90.58.030 (3)(e), or any development that materially interferes with the normal public use of the water or shorelines of the state, except those exempted developments set forth in WAC 173-27-040.

#### 6.1.1 Exemptions

Certain specific development activities are exempt from the permitting requirements of the SMA. However, state law "WAC 173-27-040 (1)(a)" requires that exemptions be construed narrowly. Exempt activities may not result in a net loss of shoreline functions and values, and they may require mitigation even though the activity is exempt from shoreline permitting.

Regarding exemptions, an important distinction must be understood. While some shoreline activities may be exempt from the *permitting requirements* of the SMA, none are exempt from the Act or this SMP. All proposed uses and development occurring within shoreline jurisdiction—



regardless of whether a shoreline permit is required—must conform to the SMA, this SMP, or other relevant laws and regulations.

Pursuant to WAC 173-27-040 (1)(b), a development, activity, or use that is classified as a conditional use pursuant to this SMP, or that is an unclassified use must obtain a shoreline CUP, even if the development does not require or is exempt from the SSDP process. When an exempt development or use is proposed that does not comply with the bulk, density, or performance standards of this SMP, such development or use can only be authorized via a variance.

If any part of a proposed development is not eligible for exemption, then a SSDP is required for the entire proposed development project, pursuant to WAC 173-27-040 (1)(d). The city may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP, pursuant to WAC 173-27-040 (1)(e).

### Statutory Exemptions

Pursuant to WAC 173-27-040 (2), the following are exempt from SSDP requirements; they do not need a substantial development permit, but must comply with the SMA, SMP, and other relevant laws and regulations:

1. Any development in which the total cost or fair market value, whichever is higher, does not exceed \$6,416,047.00 or as adjusted per RCW 90.58.030 (3), if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state, and includes fair market value of any donated, contributed, or found labor, equipment or materials.
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Normal maintenance includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to its size, shape, configuration, location and external appearance, except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment.
  - a. Normal repair must occur within a reasonable period after decay or partial destruction. If decay or partial destruction is fifty percent (50%) or greater of the replacement cost of the original development, a permit allowing repair or replacement must be secured within one year.
  - b. Replacement of a structure or development may be authorized as a repair if:
    - i. The replacement is reconstructed as it existed prior to the event, excluding reconstruction necessitated by the property owner's criminal act. Building height and shoreline setbacks shall not exceed pre-existing setbacks and restrictions; and

- ii. When the replacement is supported by a statement from the Building Official that complete replacement is common practice and the replacement does not cause substantial adverse effects to shoreline resources or the environment.
3. Construction of a normal protective bulkhead common to single family residences. A normal protective bulkhead includes those structural and non- structural developments installed at or near, and parallel to the OHWM mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that the OHWM has been established by the presence and action of water landward of the bulkhead, the replacement bulkhead must be located at or near the actual OHWM. Alternative bank stabilization projects may also be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.
4. Emergency construction necessary to protect property from damage by the elements. An emergency is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the Community Development Director to be the appropriate means to address the emergency situation. Upon abatement of the emergency situation, the new structure shall be removed or any permit that would have been required, absent an emergency, has been obtained. All emergency construction shall be consistent with the policies of the SMA and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency.
5. Construction or modification, by or under the authority of the Coast Guard, of navigational aids such as channel markers and anchor buoys.
6. Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his/her own use or for the use of his/her family. The residence shall not exceed a height of thirty-five (35) feet above average grade level and must meet all requirements of the City and any state agencies having jurisdiction. Single-family residence means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single- family residence and is located landward of the OHWM and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading that does not exceed two hundred fifty (250) cubic yards and



does not involve placing fill in any wetland or waterward of the OHWM. All construction authorized under this exemption shall be located landward of the OHWM.

7. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
8. Any project with a certification from the Governor pursuant to RCW 80.50.
9. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
  - a. The activity does not interfere with the normal public use of the surface waters;
  - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
  - c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
  - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to ensure that the site is restored to preexisting conditions; and
  - e. The activity is not subject to the permit requirements of RCW 90.58.550 (oil or natural gas exploration in marine waters).
10. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020. If no reasonable alternative exists, then herbicide or other treatment methods applicable to weed control may be used that are recommended by a final environmental impact statement published by the Department of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
11. Watershed restoration projects as set forth in WAC 173-27-040 (2)(o). The Shoreline Administrator shall review watershed restoration projects for consistency with this SMP in an expeditious manner and shall issue a decision along with any conditions within forty-five days of receiving all materials necessary to review the request from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.
- ~~12. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:~~
  - ~~a. The project has been approved in writing by the Washington State Department of Fish and Wildlife (WDFW<sup>\*</sup>) as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;~~
  - ~~b. The project has received hydraulic project approval by WDFW pursuant to RCW 77.55; and~~



- ~~c. The Community Development Director has determined that the project is consistent with this SMP.~~
- ~~13. Hazardous substance remedial actions. The procedural requirements of chapter RCW 90.58 shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D. Ecology shall, in consultation with the city, assure that such projects comply with the substantive requirements of RCW 90.58, WAC 173-26 and this SMP.~~
12. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.
- 14.13. —Projects designed to improve fish or wildlife habitat or fish passage consistent with RCW 90.58.147.

### Statement of Shoreline Exemption

Applicants for exempt uses or development must obtain a written Statement of Shoreline Exemption (SSE\*) verifying the proposed development is not subject to the SSDP permitting process. According to state guidelines the burden of proof that a development or use is exempt from the permit process is on the applicant.

The SSE offers an applicant an itemization of SMP and other requirements applicable to the proposed project in conjunction with other permit processes that may be required. In the case of development subject to a building permit, but exempt from the SSDP permit process, the Building Inspector, through consultation with the Community Development Director, may attach shoreline management terms and conditions to Building Permits and other permit approvals pursuant to RCW 90.58.140. For example, the approval of a Building Permit for a single-family residence can be conditioned on SMP policy and use regulations.

Where shoreline development proposals are subject to review, approval, and permitting by a federal or state agency, the Community Development Director shall send the SSE to the applicant, the federal or state permitting agency, and Ecology. The SSE will identify the specific exemption, refer to the relevant WAC, and provide a summary of the analysis demonstrating consistency of the project with the SMA and this SMP.

### 6.1.2 Types of Shoreline Approvals

There are three basic types of shoreline approvals: shoreline substantial development permit (SSDP), shoreline conditional use permit (CUP), and shoreline variance.

#### Substantial Development

Applicability. Development for purposes of this section means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the

waters overlying lands subject to this chapter at any state of water level. Substantial development means any development of which the total cost or fair market value exceeds \$~~6,416~~7,047 or as adjusted by the Washington State Office of Financial Management, or any development which materially-interferes with the normal public use of the water or shorelines of the state, except those exempt developments set forth in the preceding section, consistent with WAC 173-27-040.

Development activities that meet one or more of the following criteria will be processed as a shoreline Substantial Development Permit:

1. Development activities that do not qualify for SSE;
2. Construction of overwater structures or improvements waterward of the OHWM (also requires a Conditional Use Permit);
3. Other development activities of a temporary or permanent nature that are determined by the Community Development Director to have a probable detrimental impact to public access or public views of the shoreline.

Criteria for Approval. A SSDP will be approved by the city only when the proposed development does all of the following:

1. Meets the goals, strategies, and development standards and regulations of this SMP;
2. Complies with the Long Beach Comprehensive Plan and city code; and
3. Comports to the policies, guidelines, and regulations of the SMA (Chapters 90.58 RCW, 173-26 WAC, and 173-27 WAC).

If any application does not substantially comply with the criteria described in this section, the city may deny such application or attach terms or conditions deemed suitable and reasonable given the purposes and goals of this SMP.

### **Conditional Use**

Applicability. The shoreline Conditional Use Permit (CUP) process provides for case-by-case review of uses that may possess greater potential for impacts without project-specific conditions, while providing flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. Ecology is the final reviewing authority for Shoreline Conditional Use Permits pursuant to Chapter 173-27 WAC.

Uses that are not classified or set forth here may only be authorized as conditional uses if the applicant can demonstrate that criteria set forth for conditional uses are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of RCW 90.58.020 (see Section 1.3 of this SMP) and should not result in significant adverse effects on the shoreline environment.

Criteria for Approval. Uses classified as conditional uses, and uses not prohibited by this SMP, may be authorized provided the applicant can demonstrate all of the following:



1. The proposed use is allowed as a conditional use in the SED in which the subject property is located, or if not, is compatible with and can be made consistent with development standard regulations of the underlying zoning designation.
2. The proposed use will be consistent with policies of RCW 90.58.020, goals and strategies of this SMP, the City of Long Beach Comprehensive Plan and other applicable plans, programs and/or regulations;
3. The proposed use will not interfere with the normal public use of public shorelines;
4. The proposed use and its design will be compatible with other permitted uses within the area and with uses planned for the area under the Comprehensive Plan and SMP;
5. The proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be inconsistent or incompatible with the shoreline environment designation of the area where it is to be located;
6. The public interest suffers no substantial detrimental effect; and
7. The proposed use is in the best interest of the public's health, safety, and welfare.

In the granting of conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. If conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Other uses which are not classified or set forth in the master program may be authorized, at the city's discretion, as conditional uses provided the applicant can demonstrate consistency with the requirements of this section.

### **Variance**

Applicability. A variance may be granted when denial of that variance would result in a thwarting of the policy enumerated in RCW 90.58.020 (see Section 1.3 of this SMP). In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will suffer no substantial detrimental effect as a result of granting a variance.

The purpose of a variance is generally limited to granting relief to specific bulk, dimensional, or development standards set forth in this SMP. A variance may also be appropriate where there are extraordinary circumstances relating to the physical property or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant, including but not limited to denying all reasonable use of a property. When located within shorelines jurisdiction, reasonable use exceptions pursuant to the city's critical areas regulations shall be processed as a shoreline variance. A variance may not be granted if it would impart a special benefit to an applicant not conferred on properties of similar circumstances.

Variances from the use provisions of this SMP—the functional equivalent of spot zoning—are prohibited.



Criteria for Approval. Pursuant to WAC 173-27-170, the criteria below constitute the minimum for review and approval of a shoreline variance. Variances for proposed development to be located landward of the OHWM may be authorized provided the applicant can demonstrate all of the following:

1. Strict application of the bulk, dimensional or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property;
2. The hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions or the applicant's own actions;
3. The design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and SMP, and will not cause adverse impacts to adjacent uses or the shoreline environment;
4. The variance authorized does not constitute a grant of special privilege not enjoyed by other similarly situated properties in the area, and will be the minimum necessary to afford relief; and
5. The public interest will not suffer any substantial detrimental effect.

A variance for proposed development that will be located waterward of the OHWM or within any wetland may be authorized provided the applicant can demonstrate all criteria above are met as well as the following:

1. That strict application of the bulk, dimensional or performance standards set forth in this Program precludes all reasonable use of the property; and
2. That public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

In the granting of variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment or result in a net loss of ecological functions.

#### **6.1.3-4 Permit Procedures**

SSDPs and shoreline CUPs and variances will be processed pursuant to the city's standard permit processing procedures found at city code 11-2C-3 (A), (B) and the city's project review procedures found at 11-2C-4 (C). All SSDPs, shoreline CUPs and shoreline variances are subject to the city's permit processing procedures, summarized as:

1. Determination of completeness;
2. Notice of application;
3. Optional consolidated project permit review processing;

4. Public hearing;
5. Report stating all decisions and recommendations made as of the date of the report that do not require an open record hearing;
6. Notice of decision; and
7. Completion of project review within applicable time periods (including a 120-day permit processing time).

### **Pre-Application Conference**

Each applicant of each proposed development may request a pre-application conference pursuant to the city's procedures at city code section 11-2C-5.

### **Application**

An applicant requesting one (1) permit must follow the process described at Long Beach city code section 11-2C-7. Should an applicant require more than one (1) permit, they may submit all required information at one time and request consolidated permit processing pursuant to Long Beach city code section 11-2C-6. Unless an applicant specifically requests that permit processing not be consolidated, the city will consolidate the processing of multiple permits.

### **Notices**

After receiving a project permit application, and pursuant to city code section 11-2C-8 and WAC 173-27-110, the city will mail or provide in person a written determination to the applicant, stating whether the application is complete, and what the next steps are in the permitting process.

The city will notify the owner of properties located within 300' of the perimeter of proposed project site pursuant to city code section 11-2C-9 and WAC 173-27-110. The city will also publish the notice in a paper of general circulation, and will post the notice at the project site as well. The notice will include details of the proposal as well as information regarding the public hearing and how to comment on the proposal.

### **Hearing**

City staff will prepare a report from review by the Long Beach hearings examiner. The examiner will conduct public hearing pursuant to city code section 11-2C-11 and consistent with the information contained in the public notice.

### **Decision**

Pursuant to city code section 11-2C-12, the hearing examiner will adopt a single report stating the decision(s) on the application (s). The report will serve as the permit(s). The report will state applicable findings of fact and conclusions of law. The report will identify any mitigation required under the development regulations or under the city's SEPA program. The report will describe applicable deadlines for and methods of appeal. The report will be provided to the



applicant and to any person who, prior to the adoption of the report, requested notice of the decision or is a party of record having submitted comments on the application.

### Appeals

An aggrieved party of record may file an appeal of a final decision pursuant to this SMP or the SMA made by the city of Long Beach or the Department of Ecology. This includes permit decisions, and enforcement actions such as penalties or fines.

Appeals of final permit decisions, including original shoreline permits, variances, and revisions thereto, are governed by the procedures established in RCW 90.58.180, RCW 90.58.140(6), and chapter 481-03 WAC, the rules and procedures of the Shorelines Hearings Board. Appeals must be made via a petition for review to the Shorelines Hearings Board within twenty-one (21) days after the date of filing.<sup>3</sup> Until the appeal period has run its course, any construction undertaken as part of a permit or permit revision is done at the applicant's risk.

### Transmittal to Ecology

Once a SSDP, shoreline CUP, and/or shoreline variance is issued, the hearing examiner's decision—and appeal information, if any— is transmitted to Ecology in accordance with WAC 173-27-130 for filing, and in the case of a shoreline CUP or variance, for final approval.

#### 6.1.4-5-Revision of Shoreline Permits

A permit revision is required when an applicant proposes substantive changes<sup>†</sup> to the design of the project, or to the terms or conditions approved in the initial permit. Changes that are not substantive do not require approval of a permit revision. Denial of a permit revision has no effect on the validity of the original permit. The city may revise an expired permit provided this procedure may not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

When revision of an SSDP, shoreline CUP, or shoreline variance is sought, the applicant must submit detailed plans and text describing proposed changes in the design, terms, or conditions approved in the original permit. If proposed changes are determined by the Community Development Director to be within the scope and intent of the original permit, and are consistent with the SMA, the Guidelines, and this SMP, a permit revision may be approved. "Within the scope and intent of the original permit" is defined by the following provisions:

1. No additional over water construction is involved except that pier, dock, or float construction may increase by no more than five hundred square feet (500 SF<sup>†</sup>) or ten percent (10.0%) from the provisions of the original permit, whichever is less;
2. Ground coverage and building height may increase by no more than ten percent (10%) from the provisions of the original permit;

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<sup>†3</sup> Date of actual receipt by Ecology of the City's final decision on a given shoreline substantial development permit. Involving approval or denial of a variance or conditional use permit, the date of transmittal of Ecology's final decision to the City.



3. The revised permit will not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original approval or part thereof;
4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
5. The use authorized pursuant to the original permit does not change; and
6. No adverse environmental impact will be result from the proposed revision.

If the revision, or the sum of the revision and any previously approved revisions, violate the terms of any of the provisions listed above, the applicant will be required to apply for a new permit. Appeals of permit revisions must be based only on allegations of non-compliance with any of the five (5) provisions defining “scope and intent,” above.

### **Shoreline Substantial Development Permits**

A revised SSDP will become effective immediately. Within eight (8) days of the date of final action the revised site plan, text and the approved revision will be submitted by the city to Ecology and the Attorney General for filing.

### **Shoreline Conditional Use Permits and Variances**

The Community Development Director will submit the revision to Ecology for approval, approval with conditions, or denial, and will indicate the revision is being submitted under the requirements of WAC 173-27-100. Within fifteen (15) days of the date of Ecology's receipt of the submittal from the city, Ecology will transmit to the city and the applicant its final decision. The revised permit is effective upon Ecology's final action. A notice of revision approval will be forwarded by the city to all parties of record.

#### **6.1.5 Additional approval criteria for ocean uses and developments**

The City of Long Beach and the Department of Ecology may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:

1. There is a demonstrated significant local, state, or national need for the proposed use or activity;
2. There is no reasonable alternative to meet the public need for the proposed use or activity;
3. There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;
4. All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic National Park;
5. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

6. Compensation is provided to mitigate adverse impacts to coastal resources or uses;
7. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and
8. The use or activity complies with all applicable local, state, and federal laws and regulations.

#### **6.1.36 Additional MSP procedural requirements for new ocean uses proposals**

Additional MSP procedural requirements for new ocean use proposals. When the MSP applies as established by Section 2.5.3(2), in addition to the otherwise required shoreline substantial development, conditional use, or variance permit procedural requirement, MSP defined new ocean use proposals shall include the following::

1. Pre-application Meeting. Prior to submitting any applications for shoreline permits for new ocean uses or developments the applicant will participate in at least one pre-application meeting which may be consolidated and coordinated with all local, state, and federal agencies. During the pre-application stage:
  - a. The applicant should use the MSP to understand potential use and resource conflicts, including review of the baseline data, maps, analyses, and management framework. This information can assist applicants in avoiding and minimizing impacts to resources and uses through project siting and design.
  - b. The applicant should provide required data and information about the project, and identify and coordinate with stakeholder groups as well as other governments, including state, tribal, and federal government entities.
  - c. The applicant should identify state and local policies, procedures, and requirements, including those referenced in the Marine Spatial Plan.
2. Inventory – Review adequacy of site-specific inventory and respond to requests for additional data or studies.
3. Effects Analysis – Submit an effects evaluation (See Section 4.5 of the MSP) which includes proposed mitigation measures and best management practices.
4. Plans – Submit proposed construction and operation plans, including adequacy of prevention, monitoring, and response plans.
5. Coordination – Continue to coordinate with government entities (local, state, tribal, and federal agencies), stakeholders (representatives from fishing, aquaculture, maritime commerce, conservation, tourism, recreation), and the Washington Coastal Marine Advisory Council (WCMAC), and the public in all aspects of project development and review.

#### **6.1.7 Time Requirements for Permits**

The permit duration starts after all permits and approvals authorizing development to proceed are received from all agencies. A shoreline permit's duration is five (5) years. Construction must commence within two (2) years after all needed approvals are received and permitted development must be completed within five (5) years after all needed approvals are received.



The city may, at its discretion and based on reasonable factors, authorize a single extension of either or both the construction initiation or construction completion deadlines for a period not to exceed one (1) year each. A request for extension must be filed before the expiration date, and notice of the proposed extension shall be given to parties of record on the substantial development permit and to the Department of Ecology.

The city will notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended will require a new permit application.

The effective date of a shoreline approval (SSDP, CUP, or variance) will be the date of filing as provided in RCW 90.58.140(6). The permit duration does not include the time when development activity is suspended while appeals or legal actions take place or while other required government permits or approvals authorizing development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

## 6.2 Enforcement

### 6.2.1 Authority

Any non-compliance with the SMA, this SMP, or with conditions of any permit issued under this SMP shall be enforced via the provisions of WAC 173-27 Part II, Shoreline Management Act Enforcement. In addition, applicable requirements of city code Title 14, Enforcement Procedures, shall apply. Enforcement hearings are conducted by the Long Beach hearing examiner; the hearing examiner's decision on a shoreline matter may be appealed to the Shoreline Hearings Board.

### 6.2.2 Responsible Party

The property owner is presumed to be the responsible party regarding activities undertaken on his or her property that are subject to the SMA or the requirements of this SMP. The burden of proof regarding who is the responsible party is borne by the property owner.

### 6.2.3 Stopping a Violation

When property located within shoreline jurisdiction is altered in violation of this SMP, the city is authorized to issue a stop work order.

### 6.2.4 Enforcement Options

The city may require a responsible party restore a site altered in violation of this SMP. No permit or approval for development of such property shall be authorized or granted for a period of up to three (3) years from completion of restoration as determined by the city.



### **6.2.5 Knowing Violation**

In the event of intentional or knowing violation of the City's Shoreline Master Program, the City may bring any actions in law or equity, including injunctive relief, against the responsible party to ensure that no uses are made of shoreline areas that are inconsistent with this SMP.

### **6.2.6 Restoration**

#### **Restoration Plan Preparation**

All development work shall remain stopped until a restoration plan is prepared at the responsible party's expense and approved by the city. The city may approve, reject or approve the plan with conditions. All restoration shall be consistent with the approved restoration plan.

The plan shall be prepared by a qualified professional using the most current, accurate, and complete scientific or technical information available.

In preparing and approving the restoration plan, the applicant and the City, respectively, should consult with the Department of Fish and Wildlife, Department of Natural Resources, and the Department of Ecology, as appropriate.

The city may, at the responsible party's expense, seek expert advice in determining adequacy of the plan. Inadequate plans shall be returned to the responsible party for revision and resubmittal.

#### **Restoration Plan Contents**

At a minimum, a restoration plan shall include the following elements:

1. A site plan depicting site characteristics prior to disturbance; the extent of disturbance, or permitted action requiring mitigation, including an inventory of all vegetation cleared.
2. A site plan depicting the specific location of all proposed restoration measures. Those measures shall include:
  - a. Measures necessary to restore the shoreline area, which may include, but not limited to, removal of fill, regrading to original contours, replacement of excavated material, revegetation of all cleared areas with native trees and/or plants and removal of structures; or
  - b. Location of the proposed mitigation action, ownership, and methods to recreate, as nearly as possible, the original wetlands or vegetation area in terms of acreage function, geographic location and setting.
3. A schedule for restoration.
4. A monitoring plan to evaluate periodically the success of the restoration and provide for amendments to the plan which may become necessary to achieve its purpose.

### **Bond/Security**

Prior to commencing restoration, the responsible party shall post with the city in an amount determined by the city a bond or other security acceptable to the city in an amount sufficient to cover the cost of conformance with the conditions of the restoration plan, including corrective work necessary to provide adequate drainage, stabilize and restore disturbed areas, and remove sources of hazard associated with work that is not completed. After the city determines that restoration has been completed in compliance with approved plans and the monitoring period has expired, the bond or other security shall be released.

The city may collect against the bond when work that is not completed is found to be in violation of the conditions set forth in the restoration plan and/or the city determines the site is in violation of the this SMP.

### **Monitoring**

In shoreline jurisdiction where restoration has been required, the responsible party, at his or her own cost, shall provide for seasonal monitoring of the site by a qualified biologist or other qualified professional, for a period of at least three (3) years after completion. The responsible party shall submit an annual report to the city that addresses:

1. The condition of introduced or reintroduced plant species;
2. The condition of open water areas or other water features;
3. Use of the site by fish and wildlife species;
4. Any disturbances or alterations and their effects on the restoration;
5. Additional or corrective measures which should be taken to ensure the success of the restoration; and
6. Other information the city considers necessary to assess the status of the restoration.

## **6.3 Amendments or Updates to this SMP**

Any amendments to the SMP shall be processed according to the procedures and requirements in WAC 173-26-100 or 173-26-104. At a minimum, pursuant to RCW 90.58.080, following approval of the city's SMP by Ecology, the city is required to periodically review, and if necessary, revise, and update its SMP once every eight (8) years beginning on or before June 30, ~~2022~~2030. SMP amendments become effective 14 days from Ecology's written notice of final action

## 7.0 Nonconforming Uses, Structures, and Lots

Nonconforming<sup>†</sup> development is a use or structure that was lawfully constructed or established but does not conform to current SMP requirements. In other words, it is a change in the law and not the manner in which it was established that makes the development not compliant to code. These “grandfathered” developments may continue as long as they are not enlarged, increased, or altered in a way that increases the nonconformity. Nonconforming lots were lawfully established but do not conform to current SMP requirements.

Any structure, use, or lot established counter to the laws existing at the time it was established is illegal<sup>†</sup>.

### 7.1 Uses

#### 7.1.1 Continuance of a Nonconforming Use

Continuation of a nonconforming use is subject to the following standards:

1. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided the use does not change or intensify;
2. Additional development of property on which a nonconforming use exists must result in all new uses conforming to the SMA and this SMP;
3. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed;
4. A nonconforming use may not be changed to another nonconforming use unless the requirements in section 7.2.1 are met;
5. A nonconforming use may not be moved any distance within the shorelines of the state; and
6. Nonconforming uses will be considered abandoned if they are discontinued for more than twelve (12) consecutive months. The “grandfathered” rights expire regardless of the owner's intent to abandon or not. Any subsequent use must conform to the requirements of the SMA and SMP.

A use listed as a conditional use but which existed prior to adoption of this SMP for which a Conditional Use Permit has not been obtained is a nonconforming use.

#### 7.1.2 Enlarging or Expanding a Nonconforming Use

Nonconforming single-family residences located landward of the 1980 SCL may be enlarged or expanded in conformance with applicable bulk and dimension standards by the addition of space to the main structure or by the addition of normal appurtenances upon approval of a CUP.

If an existing use conforms with SMP use regulations but does not conform with SMP setback, height, or density requirements the use may be enlarged or expanded if the extent of non-conformity is not increased.



Expansion of a structure that houses a nonconforming use cannot be authorized, even by variance.

### **7.1.3 Repair of a Damaged Nonconforming Use**

If a nonconforming use is damaged by fire, explosion, or act of God, to an extent of sixty percent (60%) or more of its value before destruction, it may be repaired only as a conforming use. A nonconforming use, damaged by fire, explosion, or act of God, to the extent of less than sixty percent (60%) of its value before destruction, may be repaired, provided there is no expansion of the nonconformity, and so long as:

1. The applicant applies for permits needed to repair the use within six (6) months of the date the damage occurred;
2. All permits are obtained; and
3. All permitted repairs are fully complete within two (2) years of permit issuance.

## **7.2 Structures**

A structure for which a variance has been issued is a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.

### **7.2.1 Continuance of a Nonconforming Structure**

Structures that were legally established and are used for a conforming use, but that are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density may be maintained and repaired. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a shoreline CUP, which may be approved only upon finding that:

1. No reasonable alternative conforming use is practical; and
2. The proposed use will be at least as consistent with the policies and provisions of the SMA and this SMP program and as compatible with the uses in the area as the preexisting use.

In addition, conditions may be attached to the permit to assure compliance with these findings, the requirements of this SMP, and the SMA, and to assure the use will not become a nuisance or a hazard.

### **7.2.2 Enlarging, Expanding, or Moving a Nonconforming Structure**

Nonconforming structures may be enlarged or expanded provided the enlargement or expansion does not increase the nonconformity, and is in compliance with this SMP, the city's Critical Areas ordinance (if located in a critical area), and any conditions of approval. Any expansion or enlargement of a non-conforming structure may not occur where or how construction would not be allowed for new development.

A nonconforming structure moved any distance within the shoreline jurisdiction must be brought into conformance with the SMP, SMA, and all applicable city policies, standards, and regulations.

### **7.2.3 Repair of a Damaged Nonconforming Structure**

If a nonconforming structure is destroyed by fire, explosion, or act of God, to the extent of sixty percent (60%) or more of its value before destruction, it may be rebuilt only as a conforming structure. A nonconforming structure, damaged to the extent of less than sixty percent (60%) of its value, may be rebuilt, provided there is no expansion of the nonconformity, and so long as:

1. The applicant applies for permits needed to rebuild the use within six (6) months of the date the damage occurred;
2. All permits are obtained; and
3. The restoration is fully complete within two (2) years of permit issuance.

If a non-conforming structure is to be demolished, demolition must be complete within six (6) months of destruction.

## **7.3 Lots**

An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark established in accordance with local and state subdivision requirements prior to the effective date of the SMA or the applicable SMP version, but that does not conform to current lot standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the SMA and SMP.

## 8.0 Glossary/Definitions

The following terms may appear in this document or may appear in one or more of the background documents developed as part of this updated Shoreline Master Program. The first appearance in the text is marked with the † symbol. In addition, definitions contained in the Washington Administrative Code by WAC173-26 and 173-27 and other applicable WACs, as may be amended, are incorporated herein.

### 8.1 Definitions A – C

1. **1889 GOVERNMENT MEANDER LINE:** The western limit of privately-owned beach property, the approximate location of mean high tide at the time Washington achieved statehood in 1889. Also termed the 1889 Line or the Western Upland Boundary.
2. **ACCRETION:** A gradual process in which layers of a material are formed as small amounts are added over time.
3. **ADVERSE IMPACT:** A negative effect environmental quality.
4. **ADVERSE IMPACT, SIGNIFICANT:** An adverse impact with more than moderate adverse effects on environmental quality. What is considered significant will vary from one site to another, and from one jurisdiction to another, both because of specific existing conditions at a particular location, and because of the judgement of the responsible official.
5. **AIDS TO NAVIGATION:** A marker which aids the traveler in navigation. The primary components of the U.S. Aids to Navigation System are beacons and buoys.
6. **ALTERATION:** Human-induced change in an existing condition, including but not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of an area.
7. **AMENDMENT:** A revision, update, addition, deletion, and/or reenactment to an existing Shoreline Master Program.
8. **AQUACULTURE:** The culture or farming of fish, shellfish or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution prevention of damage to the environment, is a preferred use of the water area. Aquaculture does not include harvest of wild geoduck associated with the state managed wildstock geoduck industry.
9. **ASSOCIATED WETLANDS:** wetlands† which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act† (SMA†).
10. **BASELINE:** The time and conditions that comprise the point of comparison for determining the environmental effects and their magnitude (or significance) resulting from a proposed plan, policy, or project.
11. **BEST AVAILABLE SCIENCE:** Readily available scientific information developed via a valid scientific process, as defined in Washington Administrative Code† (WAC†) 365-195-905(5)(a).



- 12. BOATING FACILITIES:** Means all over-and in-water facilities that facilitate as their primary purpose the launching or mooring of vessels, or serve some other water-dependent purpose. Facilities covered include piers and docks for commercial, industrial, recreational, residential or public access use; marinas; and boat launches.
- 13. BUFFER:** The area contiguous to a shoreline and/or critical area that protects the area from adverse impacts and is required for the continued maintenance, functioning, and/or structural stability of the shoreline or critical area.
- 14. BUOY:** An anchored float serving as a navigation mark.
- 15. CONTINENTAL SHELF:** An underwater landmass which extends from a continent, resulting in an area of relatively shallow water.
- 16. COUNTY:** Pacific County, Washington.
- 17. CRITICAL AREAS:** Wetlands, geologically hazardous areas, frequent flooded areas, fish and wildlife habitat conservation areas, and areas with a critical recharging effect on aquifers used for potable water.
- 18. CRITICAL SALTWATER HABITATS:** All kelp beds, eelgrass beds, and spawning and holding areas for forage fish such as herring smelt, and sand lance; subsistence, commercial, and recreational shellfish beds; mud flats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.
- 19. CUMULATIVE IMPACTS:** The impact of all development in a specific area within the reasonably foreseeable future.

## 8.2 Definitions D – F

- 1. DATE OF FILING:** For a substantial development permit, the date of filing is the date of receipt by Ecology. For shoreline conditional use and variance permits, and substantial development permits simultaneously transmitted with a shoreline conditional use or variance permit, the date of filing is the date of transmittal of Ecology's final decision to the city.
- 2. DEFLATION PLAIN:** The low area between the foredune<sup>†</sup> and old dune ridge<sup>†</sup>, where the foredune blocks the deposition of new sand and wind scours and erodes the surface, often down to the water table. The "interdunal" area.
- 3. DEVELOPMENT:** A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.
- 4. DEVELOPMENT, SUBSTANTIAL:** Means any development for which the total cost or fair market value exceeds \$7,047 (as adjusted in 2017) or as may be adjusted for inflation under the provisions of RCW 90.58.030 (3)(e), or any development that materially interferes

with the normal public use of the water or shorelines of the state, except those exempted developments set forth in WAC 173-27-040.

- 5. DUNE RIDGE:** The historic foredune, there are parallel rows of dune ridges on the Long Beach Peninsula, with deflation plains<sup>†</sup> between them. Also called a “sand ridge.”
- 6. DUNE MODIFICATION:** The removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter dune shape or sediment migration.
- 7. ENHANCEMENT:** Actions performed within an existing degraded shoreline, critical area, and/or the buffer to such areas to intentionally increase or augment one or more of its functions or values.
- 8. EXEMPT:** Development not required to obtain a shoreline substantial development permit, but which much otherwise comply with applicable provisions of the Shoreline Management Act and the City’s Shoreline Master Program.
- 9. FEASIBLE:** means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
  - (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
  - (b) The action provides a reasonable likelihood of achieving its intended purpose; and
  - (c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. See practicable.
- 10. FILL:** The addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area water word of the ordinary high watermark, in wetlands, or shorelands in a manner that raises the elevation or creates dry land.
- 11. FISH AND WILDLIFE HABITAT CONSERVATION AREAS:** Areas important for maintaining species and suitable habitats within their natural geographic distribution so that fragmented populations are not created.
- 12. FIXED STRUCTURES:** Structures fixed to the seafloor either via a foundation or via anchor(s), piles, guys, towers, or other methods, including but not limited to piers, as well as platforms and monopoles, such as those used for ocean energy development. Contrast to systems that are anchored, but float, such as a buoy or a net pen.
- 13. FOREDUNE:** The large, currently developing primary dune, closest to the ocean.



**14. FUNCTIONS AND VALUES:** Those beneficial tasks performed by a natural feature [function], such as a wetland improving water quality; and the importance or worth of that task to society [value].

### **8.3 Definitions G – I**

1. **GEOLOGICALLY HAZARDOUS AREAS:** Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose unacceptable risks to public health and safety and may not be suited for commercial, residential, or industrial development.
2. **GOAL:** A desired result, achieved via a strategy/policy. See related “implementing strategy.”
3. **GRADING:** The movement or redistribution of soil, sand, rock, gravel, sediment, or other material in a manner that alters the natural contour the land.
4. **GROWTH MANAGEMENT HEARINGS BOARD:** The Growth Management Hearings Board, established under RCW 36.70A.250 (GMA), consists of five members authorized to hear and determine allegations that a city, county, or state agency has not complied with the goals and requirements of the Growth Management Act, related provisions of the Shoreline Management Act, and the State Environmental Policy Act. For communities fully-planning under GMA, Appeals of Ecology decisions on master programs are filed with the Growth Management Hearings Board.
- 4.5. **ILLEGAL USE OR STRUCTURE:** A use established or structure built not in accordance with laws in place at the time. Contrast to “nonconforming.”
- 5.6. **IMPLEMENTING STRATEGY:** A course of action taken to achieve a goal. Interchangeable with policy. See “strategy”.
- 6.7. **IMPORTANT, SENSITIVE AND UNIQUE AREAS (ISUS):** ISUs are specific areas in state waters that meet one or more of the following criteria:
  - a. Areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures [RCW 43.372.040(6)(c)].
  - b. Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the habitats, species, or cultural resources.
  - c. Areas with features that have limited, fixed and known occurrence.
  - d. Areas with inherent risk or infrastructure (e.g. buoys or cables) that are incompatible with new ocean uses.
- 7.8. **INTERDUNAL WETLAND:** Wetlands located in small interdunal depressions to extensive deflation plains behind stabilized foredunes. Interdunal wetlands are primarily fresh water; they have mineral soil; and they are groundwater dependent with seasonal fluctuations.
- 8.9. **IN-WATER:** Lands located waterward of the ordinary high water mark of the ocean or associated wetlands.
- 9.10. **LITTORAL CELL:** A complete cycle of ocean sedimentation including sources, transport paths, and sinks.



#### 8.4 Definitions J – L

1. **LONGSHORE CURRENT:** An ocean current that moves parallel to shore. It is caused by large swells sweeping into the shoreline at an angle and pushing water down the length of the beach in one direction.

#### 8.5 Definitions M – O

##### 1. MARINE ENVIRONMENT:

- a. **BENTHIC:** The ocean bottom, comprising the gently sloping continental shelf<sup>†</sup> from shore to a depth of 200 meters, the mesobenthic at the upper portion of the steeper slope face of the outer shelf at depths of 200 to 500 meters, the bathybenthic mid-slope at depths of 500 to 1,000 meters, and the depths beyond.
- b. **PELAGIC:** The open waters of the ocean, comprising the neritic waters over the continental shelf, and oceanic waters over the slope face and depths.

- 1.2. **MARINE SPATIAL PLAN FOR WASHINGTON'S PACIFIC COAST (MSP):** Planning document designed to address new ocean use development off Washington's Pacific coast that had not been previously permitted or approved prior to the adoption of the plan in June 2018. The MSP uses a series of data, maps, and analyses in combination with a management framework to evaluate potential impacts from new ocean use projects on existing uses and resources, based on the principles and criteria outlined in the Ocean Resources Management Act (ORMA) [RCW 43.143.030(2)] and the Ocean Management Guidelines [WAC 173-26-360]. It applies a coordinated decision-making process between various governments, tribes, and stakeholders, and includes additional siting recommendations and fisheries protection standards. These principles have been incorporated into this SMP. See Ecology Publication No. 17-06-027, Revised June 2018 (<https://fortress.wa.gov/ecy/publications/documents/1706027.pdf> and <https://msp.wa.gov/>)

- 2.3. **MAY:** An action that it is acceptable, provided it conforms to the provisions of this SMP.

- 3.4. **MEAN HIGH WATER:** The average of all the high water heights observed over a specific 19-year period (currently 1983 through 2001) called the National Tidal Datum Epoch. Also termed Mean High Tide.

- 4.5. **MEGATHRUST FAULT:** The boundary (fault) between a subducting<sup>†</sup> and an overriding plate. A megathrust earthquake is produced by a sudden slip along this boundary.

- 5.6. **MINING:** Removal of sand, gravel, soil, minerals, and other earth materials for commercial or other uses.

- 6.7. **MITIGATION SEQUENCING:** A step-wise process whereby impacts to the environment are mitigated, using a preferred order of steps/approaches, beginning with avoiding the impact altogether. The preferred order of mitigation sequencing is as follows:

- a. Avoid impacts by not taking a certain action or parts of an action;
- b. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c. Rectify impacts by repairing, rehabilitating, or restoring the affected environment;

- d. Reduce or eliminate impacts over time by preservation and maintenance operations;
- e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and for any of these five approaches
- f. Monitor impacts, mitigation, and compensatory mitigation projects, taking appropriate corrective measures.

~~7.8.~~ **MUST:** A mandate; a required action. See “shall.”

~~8.9.~~ **NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29<sup>+</sup>):** Originally the Sea Level Datum of 1929, the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum was used to measure elevation (altitude) above, and depression (depth) below, mean sea level (MSL). Superseded by the North American Vertical Datum of 1988 (NAVD88).

~~9.10.~~ **NEARSHORE:** The strip of shallow water in the land immediately adjacent to the shoreline.

~~10.11.~~ **NET PEN:** A system of aquaculture that confines fish or shellfish in a mesh enclosure.

~~11.12.~~ **NEW OCEAN USES:** New uses, as defined by the MSP, are in-water uses, with potential adverse impacts to renewable resources or existing uses, and that have not been previously reviewed or permitted within the MSP study area prior to the adoption of the MSP in June 2018. The MSP anticipates new ocean use proposals for activities such as renewable energy, dredged material disposal, mining, marine product harvesting, and offshore aquaculture operations. New ocean uses are uses and developments that have not occurred or were not permitted within Washington’s Coastal waters prior to the completion of the Marine Spatial Plan for Washington’s Pacific Coast, as adopted June 2018. New uses, as defined by the MSP, are in water uses, with potential adverse impacts to renewable resources or existing uses that have not been previously reviewed or authorized/permited within the MSP study area. The MSP anticipates new ocean use proposals for activities such as renewable energy, dredged material disposal, mining, marine product harvesting, and offshore aquaculture operations.

~~12.13.~~ **NONCONFORMING USE OR STRUCTURE:** A shoreline use, or development lawfully constructed or established prior to the effective date of the SMA or this SMP, or amendments thereto, but which does not conform to present regulations or standards of the program. A “grandfathered” used or structure. Contrast to “illegal.”

~~13.14.~~ **NO NET LOSS:** A policy of the State of Washington designed to halt the introduction of new adverse impacts to shoreline ecological functions resulting from new development. This policy incorporates both protection and restoration to maintain or improve shoreline environmental conditions.

~~14.15.~~ **NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88<sup>+</sup>):** The vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988. Supersedes the National Geodetic Vertical Datum of 1929 (NGVD29).

**1. OCEAN DISPOSAL:** Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration,



- incinerator residue, dredged materials, vessels, aircraft, ordinance, platforms, or other man-made structures.
2. **OCEAN ENERGY PRODUCTION:** Energy production uses involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wind, wave action or differences in water temperature to generate electricity.
  3. **OCEAN MINING:** Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.
  4. **OCEAN OIL AND GAS USES AND ACTIVITIES:** Ocean Oil and gas uses and activities involve the extraction of and exploration for oil and gas resources from beneath the ocean.
  5. **OCEAN RESEARCH:** Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development.
  6. **OCEAN RESOURCES MANAGEMENT ACT (ORMA♦):** Chapter 43.143, Revised Code of Washington, which articulates policies and establishes guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines, to guide activities in the Pacific Ocean, and supplements the Shoreline Management Act. Codified as Washington Administrative Code 173-26-360.
  7. **OCEAN SALVAGE:** Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.
  8. **OCEAN TRANSPORTATION:** Ocean transportation includes such uses as: Shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports.
  9. **OCEAN USE:** Activities or developments that occur on Washington's coastal waters, including their associated offshore, near shore, inland marine, shoreland, and upland facilities and their supply, service, and distribution activities. Examples of ocean uses involving nonrenewable resources include extraction of oil, gas, and minerals; energy production; disposal of waste products; and salvage. Examples of ocean uses generally involving sustainable use of renewable resources include commercial, recreational, and tribal fishing; aquaculture; recreation; shellfish harvesting; and pleasure craft activity.
  10. **ORDINARY HIGH WATER MARK (OHWM♦):** On lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher



high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water<sup>†</sup>.

## 8.6 Definitions P – R

11. **PACIFIC FLYWAY:** A major north-south bird migration route for migratory birds in America, extending from Alaska to Patagonia.
12. **PERMITTED USE:** A use allowed within a specific shoreline environment designation, which may require a shoreline substantial development permit, but is not expected to require a conditional use permit or a variance.
13. **PRACTICABLE:** See the definition for feasible.
14. **REACH:** A linear portion of a shoreline.
15. **RECREATION:** means an experience or activity in which an individual engages for personal enjoyment and satisfaction. Shore-based outdoor recreation includes commercial and public facilities designed and used to provide recreational opportunities to the public including but is not limited to fishing; various forms of boating, swimming, hiking, bicycling, horseback riding, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.
16. **RESIDENTIAL:** means single-family residences, multifamily development, and the creation of new residential lots through land division.
17. **RESIDUALLY SIGNIFICANT IMPACT:** An environmental impact that, when after all mitigation sequencing<sup>†</sup> (see above) has been applied, remains significant.
18. **RESTORE, RESTORATION (or ECOLOGICAL RESTORATION):** Reestablishment or upgrading of impaired ecological shoreline processes or functions<sup>†</sup>. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
19. **REVISED CODE OF WASHINGTON (RCW<sup>†</sup>):** The compilation of all permanent laws now in force. A collection of Session Laws (enacted by the Legislature, and signed by the Governor, or enacted via the initiative process), arranged by topic, with amendments added and repealed laws removed. It does not include temporary laws such as appropriations acts.

## 8.7 Definitions S – U

1. **SAND HUMMOCK:** Small wind-created dunes or humps formed by sand deposition in and around pioneer plants.
2. **SEASHORE CONSERVATION AREA (SCA<sup>†</sup>):** The area west of the SCL (see below), or lands west of the 1889 Government Meander Line deeded to the state of Washington, and under the control of the state of Washington to be used for recreational activities.
3. **SEASHORE CONSERVATION LINE (SCL<sup>†</sup>):** Originally, a line established in 1968 approximately one hundred feet (100') east of the vegetation line; the area west of the SCL is included in the Seashore Conservation Area<sup>†</sup>. Now, a moveable line reviewed and re-established by the Washington State Parks & Recreation Commission every 10 years, starting

in 1980. There are now 1980, 1990, 2000, and 2010 SCLs. The 1980 SCL is the current building setback line in Long Beach, and private construction may not occur west of the 1980 SCL.

4. **SHALL:** A mandate; a required action. See “must.”
5. **SHORELANDS:** those lands extending landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark<sup>†</sup> (OHWM<sup>†</sup>), plus associated wetlands<sup>†</sup>.
6. **SHORELINE ENVIRONMENT DESIGNATION (SED<sup>†</sup>):** A category-based system whereby shoreline lands with common or similar land use, physical, and/or biological characteristics can be classified. The environment designation system provides the framework for implementing shoreline management policies and regulations.
7. **SHORELINE~~S~~ HEARINGS BOARD:** A quasi-judicial body which hears appeals by any aggrieved party with standing on the issuance of a shoreline permit or enforcement penalty, as well as appeals by the City of Long Beach of Ecology approval of rules, regulations, guidelines or, designations under the Shoreline Management Act. ~~Appeals of Ecology decisions on master programs are filed with the Growth Management Hearings Board.~~
8. **SHORELINE MANAGEMENT ACT (SMA):** RCW 90.58, the overarching goal of the Act is “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”
9. **SHORELINE MASTER PROGRAM (SMP<sup>†</sup>):** Local land use policies and regulations designed to manage shoreline use. An SMP is intended to protect natural resources for future generations, provide for public access to public waters and shores, and plan for water-dependent uses. SMPs are created by an Ecology-local community partnership, and must comply with the Shoreline Management Act and Shoreline Master Program Guidelines.
10. **SHORELINE MASTER PROGRAM GUIDELINES:** SMP Guidelines are state standards local governments must follow in drafting their SMPs. The Guidelines translate the broad policies of the SMA (found at RCW 90.58.020) into standards for regulation of shoreline uses as well as WAC 173-26.
11. **SHORELINE(S) OF STATEWIDE SIGNIFICANCE (SSWS):** The following shoreline of the state, among others: The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets and associated shorelands; therefore, the Long Beach shoreline is a SSWS. The Washington legislature has determined and declared that the interest of all of the people shall be paramount in the management of shorelines of statewide significance.
12. **SHORELINE PERMITS/APPROVALS:**
  - a. **CONDITIONAL USE PERMIT:** Required if a proposed use is listed as a conditional use in the SMP, or if the SMP does not address the use.
  - b. **EXEMPTION:** Developments that are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program~~Specific agricultural,~~



~~drought emergency, forest practices, energy, and environmental excellence program activities are exempt from some or all SMA requirements. Other activities may be exempt from substantial development permit requirements but are not exempt from requirements of the SMA and this SMP. The burden of proof a development or use is exempt from shoreline permitting is borne by the applicant. Exemptions do not include those exceptions to SMP review provided under Section 2.4.2.2 and .3.~~

- c. **SUBSTANTIAL DEVELOPMENT PERMIT:** ~~Development for which the total cost or fair market value exceeds \$7,047 (as adjusted in 2017) or as may be adjusted for inflation under the provisions of RCW 90.58.030 (3)(e), or any development that materially interferes with the normal public use of the water or shorelines of the state, except those exempted developments set forth in WAC 173-27-040. Required for all non-exempt development that meets the definition of “substantial development” (see below). Substantial development permits cannot be approved unless they are consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and this SMP.~~
- d. **VARIANCE:** Variances are used to allow a project to deviate from SMP dimensional standards (e.g., setback, height, or lot coverage requirements).
- 13. **SHORELINE STABILIZATION:** Measures taken to address erosion caused by natural processes such as currents, floods, tides, wind, or wave action.
  - a. **SHORELINE STABILIZATION, NONSTRUCTURAL:** Measures such as building setbacks, structural relocation, and land-use planning.
  - b. **SHORELINE STABILIZATION, STRUCTURAL HARD:** Measures such as rock revetments, gabions, groins, bulkheads, and seawalls.
  - c. **SHORELINE STABILIZATION, STRUCTURAL SOFT:** Measures such as vegetation enhancement, beach enhancement, bioengineering measures, anchor logs and stumps, and gravel placement/beach nourishment.
- 14. **SHOULD:** A particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this SMP, against taking the action.
- 15. **STAKEHOLDER:** A party or entity (person, organization, group, etc.) who has an interest in the SMP update.
- 16. **STRATEGY:** See “implementing strategy”.
- 17. **STRUCTURE:** A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, which is installed on, above, or below the surface of the ground or water, except for vessels.
- 18. **SUBDUCTION:** The process that takes place where two tectonic plate meet whereby one plate moves under another plate and sinks into the mantle as the plates converge. Regions where this process occurs are known as subduction zones.
- ~~19. **SUBSTANTIAL DEVELOPMENT:** Means any development for which the total cost or fair market value exceeds \$7,047 (as adjusted in 2017) or as may be adjusted for inflation under the provisions of RCW 90.58.030 (3)(e), or any development that materially interferes with the normal public use of the water or shorelines of the state, except those exempted developments set forth in WAC 173-27-040.~~



~~20.19.~~ **SUBSTANTIALLY DEGRADE:** To cause significant environmental/ecological impact.  
~~21.20.~~ **SWALE:** A low place, especially a marshy depression between ridges.

## **8.8 Definitions V - Z**

1. **VISIONING:** A community exercise whereby stakeholders<sup>†</sup> express how they envision the future. Visioning can identify common goals community members can collectively attempt to achieve.
2. **WASHINGTON ADMINISTRATIVE CODE (WAC<sup>†</sup>):** Regulations of executive branch agencies, issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies regulations and arranges them by subject or agency.
3. **WATER-ORIENTED USE:** A use that is water-dependent, water-enjoyment, or water-related, or a combination of such uses. The three types of water-oriented uses are defined below.
  - a. **WATER-DEPENDENT USE:** A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.
  - b. **WATER-ENJOYMENT USE:** A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.
  - c. **WATER-RELATED USE:** A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
    1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
    2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.
4. **WETLAND(S):** Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales<sup>†</sup>, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

5. **WETLAND RATINGS:** The classification system used in this SMP is located at *Washington State Wetland Rating System for Western Washington – 2014 Update*, Department of Ecology, Publication #14-06-029, October 2014, or as revised

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## Appendices

~~A—Shoreline Jurisdiction Map~~

~~B—Shoreline Environment Designations Map~~

~~C—Ocean Resources Management Act (Chapter 43.143 RCW, as may be amended)~~

~~*Note to reviewer – all 6 pages to be removed*~~

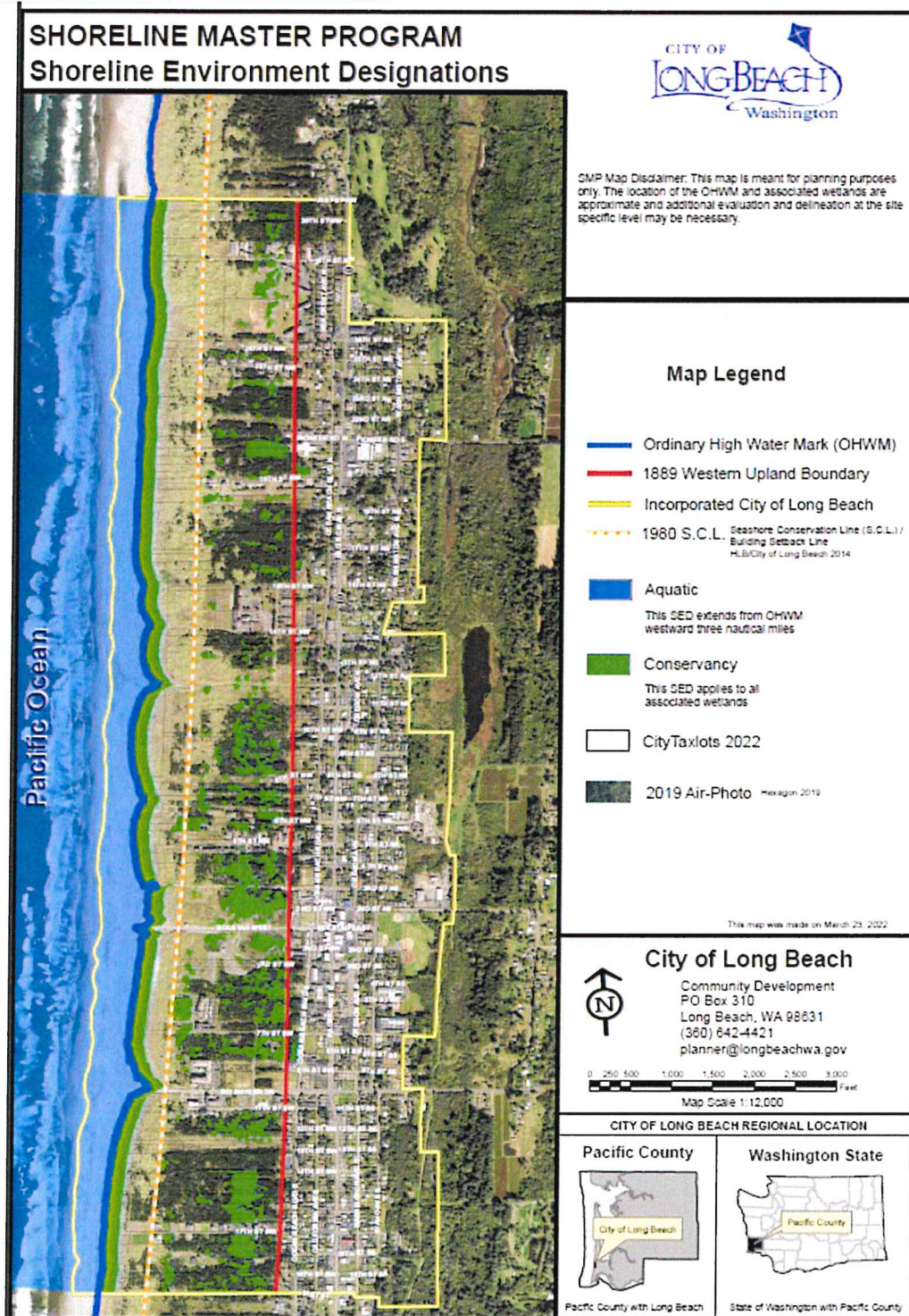
~~D—Ocean Management (WAC 173-26-360, as may be amended)~~

~~*Note to reviewer – all 11 pages to be removed*~~



# Appendix A. Shoreline Environment Designation Map

Note to reviewer – original Shoreline Jurisdiction and Shoreline Environment Designation Maps were consolidated into a single map shown below.





## Ocean Management Checklist

### Review Considerations for Evaluating Ocean Use Policies, Regulations, and Procedures within Shoreline Jurisdiction

This document is intended to be filled out by local jurisdictions for use by Ecology shoreline planners reviewing local Shoreline Master Programs (SMPs) within Clallam, Jefferson, Grays Harbor, and Pacific Counties. The SMA guidelines (WAC 173-26-360) require that coastal county SMPs include ocean uses policies, regulations, and approval criteria consistent with the Ocean Resource Management Act (ORMA). The marine planning law (RCW 43.372.050(2)) requires that Ecology also review coastal county SMPs for consistency with the state's Marine Spatial Plan (MSP).

These checklists are intended to ensure that the SMP:

1. Implements the ORMA consistent with the specific provisions of [WAC 173-26-360](#).
2. Incorporates information, analyses, recommendations, and policies from the [Washington State Marine Spatial Plan](#).

Local SMPs on Washington's Pacific Coast are responsible for incorporating the Ocean Management Guidelines (WAC 173-26-360), which implement the ORMA (RCW 43.143) into their SMPs. The MSP provides information, analyses, recommendations, and policies that must be incorporated in local plans, regulations, and permit processes, particularly through local SMPs under the Shoreline Management Act. Given the purpose, authority, and intent of the marine planning law, all state and local agencies are required to implement and adhere to the adopted Marine Spatial Plan (MSP) through existing regulatory and decision-making processes at the state and local level. To make decisions consistent with the MSP, local governments on Washington's Pacific Coast will need to:

1. Review and, if necessary, update their local programs and incorporate information, analyses, recommendations, and policies from the MSP.
2. Once incorporated, issue shoreline permits for new ocean uses involving development (as defined in RCW 90.58.030(3)(a)) that are consistent with the updated SMP and, therefore, the MSP.





## CHECKLIST 1 ORMA Requirements of WAC 173-26-360

This submittal checklist is designed to help in preparation and review of local Shoreline Master Programs (SMPs). It contains a list of required SMP components and provides a format for demonstrating how the SMP complies with the SMP Guidelines. This checklist will accompany the local government's Comprehensive Update Checklist or Periodic Review checklist, as applicable per RCW 90.58.080.

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

### How to use this checklist

This checklist summarizes key Ocean Management issues. See the associated *Guidance for Checklist 1 – ORMA* for a description of each item, relevant links, review considerations, and example language. Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist.

Prepared By		Jurisdiction	Date
John Kliem for City of Long Beach		City of Long Beach	December 6, 2021
Item #	Summary of Ocean Management Requirements: Ocean Resource Management Act - ORMA	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
1	<p><b>Geographical Area</b> – consider including a map illustrating these areas for ease of implementation</p> <p>Clear identification of the geographical area where the Ocean Management provisions apply within the local jurisdiction. See WAC 173-26-360(2).</p>	<p><a href="#">Section 2.2</a> and <a href="#">Section 5.2.2</a> identify shoreline jurisdiction and where the Aquatic SED applies, Section 2.5.3 establishes that ORMA and WAC 173-26-360 also apply to shorelines, Section 4.8 establishes Ocean Resources goals and strategies, Table 5-1 indicates allowed Ocean uses/modifications by SED, Section 5.2.3 cites to WAC 173-26-360 for prohibited/permitted uses in</p>	<p>Not clearly and entirely. Added Section 2.5.3 to clarify the geographic area. In addition, Section 5.3.2 designated that Ocean Uses apply to both the Conservancy and Aquatic SEDs.</p>

<b>Item #</b>	<b>Summary of Ocean Management Requirements: Ocean Resource Management Act - ORMA</b>	<b>Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.</b>	<b>Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.</b>
2	<b>Definitions</b> – consider including within the definition section of the SMP or integrating into a separate ocean management section. SMP includes definitions for the following terms consistent with the definitions in WAC 173-26-360: Ocean Use. WAC 173-26-360(3) Oil and gas uses and activities. WAC 173-26-360(8) Ocean mining. WAC 173-26-360(9) Energy production. WAC 173-26-360(10) Ocean disposal. WAC 173-26-360(11) Transportation. WAC 173-26-360(12) Ocean research. WAC 173-26-360(13) Ocean salvage. WAC 173-26-360(14)	Aquatic SED, and Appendix A and Appendix B maps depict shoreline jurisdiction and SEDs.  The 2017 SMP does not include these definitions in its Glossary/Definitions section.	Added each of these definitions to Section 8.5, Glossary/ Definitions
<b>Shoreline Environment Designation</b> – Review the SED designation criteria, management policies, and use matrix to ensure internal consistency with WAC 173-26-360			
3	Appropriate shoreline environment designations (SEDs) are proposed for the ocean management geographical area of WAC 173-26-360.	Sections 5.2.1 and 5.2.2 identify the Pacific Ocean as the intended area of, and criteria for the Aquatic SED	No amendment necessary.
<b>Administration and Decision Making</b> – consider including within the permit administration and/or a general ocean management section.			
4	Additional approval criteria of RCW 43.143.030(2) for newly proposed ocean uses and developments. WAC 173-26-360(6)	Section 4.8, Ocean Management, establishes Goals O1 – 6, with 15 related Strategies (note: the format of the 2017 SMP uses the term “strategy” instead of policies	
<b>Ocean Management Policies</b> – consider including these with Comprehensive Plan policies and/or a general ocean management section.			
5	General ocean management policies consistent with WAC 173-26-360(7).	Table 5-1 Footnote 4 cites to the RCW 43.143.010(2) prohibitions of these uses, but the Ocean Use/Modification	



Item #	Summary of Ocean Management Requirements: Ocean Resource Management Act - ORMA	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
6	<p><b>Ocean Management Regulations</b> – consider including within the Use section or integrating into a separate ocean management section.</p> <p>SMP includes the following specific use regulations:</p> <ul style="list-style-type: none"> <li>a. Oil and gas uses and activities. WAC 173-26-360(8)</li> <li>b. Ocean Mining. WAC 173-26-360(9)</li> <li>c. Energy production. WAC 173-26-360(10)</li> <li>d. Ocean disposal. WAC 173-26-360(11)</li> <li>e. Transportation. WAC 173-26-360(12)</li> <li>f. Ocean Research. WAC 173-26-360(13)</li> <li>g. Ocean Salvage. WAC 173-26-360(14)</li> </ul>	<p>section of Table 5-1 only has notation for Footnote 3 in the Aquatic SED. in both SEDs</p>	
		<p>Table 5-1 Footnote 4 cites to the RCW 43.143.010(2) prohibition of these uses, but the Ocean Use/Modification section of Table 5-1 only has notation for Footnote 3 in the Aquatic SED</p>	<p>Amended Table 5-1 to add a separate row for Oil &amp; Gas that shows the use prohibited in both SEDs, removed footnote, and added prohibition to Section 5.3.3a, Ocean Management Regulations.</p>
		<p>Table 5-1 addresses Ocean Uses/Modifications based on fixed structures and significant impacts, and includes Footnote #4 about oil &amp; gas prohibition; Section 5.2.4.31.a-h establish Ocean Use Development Regulations for the Aquatic SED. Section 5.2.4.26; also</p>	<p>Amendment to Section 5.3.3.1 to replace text with new Ocean Use Development Regulations 24 – 29, specific to:</p> <ul style="list-style-type: none"> <li>a. oil &amp; gas (a);</li> <li>b. ocean mining (d);</li> <li>c. ocean energy (c);</li> <li>d. ocean disposal (b);</li> <li>e. ocean transportation (g);</li> <li>f. ocean research (e); and</li> <li>g. ocean salvage (f);</li> </ul> <p>as renumbered;</p> <p>And amendment to Table 5-1 to delete &amp; replace with new rows that better reflect the proposed text</p>



## CHECKLIST 2 Marine Spatial Plan (MSP) Requirements

This submittal checklist is designed to help in preparation and review of local Shoreline Master Programs (SMPs). It contains a list of required SMP components and provides a format for demonstrating how the SMP complies with the requirements of the Marine Waters Planning and Management Act found in RCW 43.372. This checklist will accompany the local government's Comprehensive Update Checklist or Periodic Review checklist, as applicable per RCW 90.58.080.

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

## How to use this checklist

This checklist summarizes key Ocean Management issues. See the associated *Guidance for Checklist 2 – MSP* for a description of each item, relevant links, review considerations, and example language. Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist.

Prepared By	Jurisdiction	Date	
John Kliem for City of Long Beach	City of Long Beach	December 6, 2021	
<b>Item #</b>	<b>Summary of Marine Spatial Plan for Washington's Pacific Coast (MSP) Requirements</b>	<b>Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.</b>	<b>Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.</b>
<b>Geographical Area and Applicability</b> – consider including a map illustrating these areas for ease of implementation			
1	The SMP includes the following:  a. MSP Applicability Area. Clear identification of the geographical area where the Marine Spatial Plan information, analysis, policies, and regulations apply within the local jurisdiction. Include an applicability statement identifying when and where the MSP should be applied within the local jurisdiction.	Section 2.5.3 Ocean Resources Management Act; Ocean Management cites to ORMA and WAC 273-26-360 but does not explicitly identify the MSP area.	Amendment to add Section 2.5.3.2 to specify the MSP study area.

Item #	Summary of Marine Spatial Plan for Washington's Pacific Coast (MSP) Requirements	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
	b. Important, Sensitive and Unique Area (ISU). The current MSP ISU maps from the state along with identification of this information as the best available data. Include an applicability statement referencing the state ISU mapping resource.	SMP does not address ISUs	Amended to add Section 5.3.2.2 and 3 about ISUs and the state's mapping; and Section 5.3.2.2 Development Regulations for ISU Designation, and Mapping and Location.
	<b>Definitions</b> - consider including within the definition section of the SMP or integrating into a separate ocean management section.		
2	SMP includes definitions for the following terms consistent with the definitions in the MSP:		
	a. Important, Sensitive and Unique Areas (ISUs)	SMP does not include definition	Added definition under Section 8.3.7.
	b. New Ocean Uses	Definition in Glossary/ Definition slightly different from guidance	Substitute new definition consistent with guidance
	c. The Marine Spatial Plan (MSP)	SMP does not include definition	Added definition under Section 8.5.2.
	<b>Administration and Decision Making</b> – consider including within the permit administration and/or a general ocean management section.		
3	Describes how the MSP will be used to inform the evaluation of new ocean use and development proposals. The SMP should include a reference to the MSP as a resource for project review and the process for reviewing new ocean uses proposals as outlined.	SMP does not establish MSP administrative/decision making provisions.	Amended to add a new Section 6.1.6, Additional MSP procedural requirements for new ocean use proposals
	<b>Ocean Management Policies</b> – consider including these with Comprehensive Plan policies and/or a general ocean management section.		
4	Use of the Marine Spatial Plan. The SMP should include a policy statement about how the SMP is informed by the MSP and how it will be used in permit review.	SMP does not include policies for use of the MSP	Amendment to add a new Section 4.8 Strategy O1-22.
	<b>Ocean Management Regulations</b> – consider including within the Use section or integrating into a separate ocean management section.		
5	The SMP should contain ocean management regulations addressing the following:		



Item #	Summary of Marine Spatial Plan for Washington's Pacific Coast (MSP) Requirements	Review – Does the SMP contain this requirement. If yes, include reference to SMP section where this requirement is met.	Is the SMP, as proposed, Compliant? If not, describe action needed for compliance.
	a. Important, Sensitive and Unique Areas (ISUs) Designation. The SMP should contain ISU designation types and criteria consistent with the MSP.	SMP does not include ISU designation.	Amended to add new Section 5.3.3.2 Important, Sensitive, and Unique Areas (ISU) Designation
	b. ISU Protection standards. The SMP must apply ISU adverse effects and protection standards to new ocean uses and developments consistent with the MSP.	SMP does not establish ISU standards.	Amended to add new Section 5.3.3.4 ISU Protection Standards.
	c. Fisheries Protection standards. The SMP must apply fisheries protection standards to new ocean uses and developments consistent with the MSP.	SMP does not establish fisheries protection standards.	Amended to add a new Section 5.3.3.6





Prepared By	Jurisdiction	Date
John Kliem for City of Long Beach	City of Long Beach	03-29-2022

## Part One: State laws, rules and guidance review

**Part One** is used to demonstrate compliance with WAC 173-26-090(2)(d)(i)(A). This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments during periodic reviews.\*

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
<b>2021</b>			
a.	The Legislature amended <b>floating on-water residences</b> provisions	There are no floating on-water residences in shoreline jurisdiction.	No amendment needed.
b.	The Legislature clarified the permit exemption for <b>fish passage projects</b>	Section 6.1.1 Statutory Exemptions #12 for habitat or fish passage improvement lacks a citation to RCW 90.58.147.	Removed exemption #12 and substitute with language provided in guidance (now Section 6.1.1.14).
<b>2019</b>			
a.	OFM adjusted the <b>cost threshold for building freshwater docks</b>	There are no freshwater waterbodies within shoreline jurisdiction to site a dock.	No amendment needed.
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	The outdated dollar threshold is listed at Section 6.1 (6.1.1, 6.1.2) and Section 8 (8.2.4, 8.7.12.c)	Amendments showing new dollar threshold Section 6.1, Section 6.1 (6.1.1, 6.1.2) and Section 8 (8.2.4, 8.7.12.c)
b.	Ecology permit rules clarified the <b>definition of “development”</b> does not include dismantling or removing structures.	SMP Glossary/Definitions includes ‘Development’ but the definition lacks the clarifying clause about dismantling/removal.	Amendments to definition of “Development,” relocated to a new Section 8 (Section 8.2.3).
c.	Ecology adopted rules clarifying <b>exceptions to local review under the SMA.</b>	<ul style="list-style-type: none"> <li>• Remedial actions incorrectly listed as at 6.1.1.13 Statutory Exemptions</li> <li>• Boatyards/ Boating facilities exception not listed.</li> <li>• WSDOT exception not listed</li> <li>• Environmental Excellence projects not listed</li> </ul>	<ul style="list-style-type: none"> <li>• Removed ‘remedial actions’ from 6.1.1.13 Statutory Exemptions; Added list of five SMA/local permit exceptions to Section 2.4.2</li> </ul>

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
		<ul style="list-style-type: none"> <li>Energy Facility Site Evaluation Exception not listed</li> </ul>	
d.	Ecology amended rules clarifying <b>permit filing procedures</b> consistent with a 2011 statute.	Section 6.1.4 Submittal to Ecology lacks the specific details for permit filing or a citation to the WAC requirements.	Amendment to add reference to WAC 173-27-130 under renumbered 6.1.3, Transmittal to Ecology
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Current SMP does not include provisions for forest practices - no public/private commercial forestlands exist within city shoreline jurisdiction.	No amendment needed.
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Separate but related to Section 2.4.2, To Whom this SMP Applies.	No amendment needed. Added clause for clarification at 2.4.2.2
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	Covered under Section 7, Nonconforming Uses, Structures, & Lots	No amendment needed.
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the <b>Americans with Disabilities Act</b> .	Section 6.1.1.14 under Statutory Exemptions, Item covers this requirement.	No amendment needed.
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	<p>Section 2.5.4 incorporates by reference the City’s 2015 CAO (LBCC Title 13; Ord 920) to apply within shoreline jurisdiction. The City updated the CAO in October 2020, Ordinance 985, but the SMP does not currently rely on this newest version. The 2020 CAO is consistent with Ecology’s most current technical guidance, including Sections:</p> <ul style="list-style-type: none"> <li>13-4-2 reliance on the 2014 Wetland Rating System;</li> <li>13-4-3 Small Wetland provisions, and requirement for minimization measures;</li> <li>Table 13-4.1 Standard Wetland Buffer protection</li> </ul>	<p>Amendment to Section 2.5.4 to incorporate the 2020 CAO and to remove #7 wetland definitions now addressed by LBCC 13-4-2 Designations.</p> <p>Amendment to Sections 4.6.1 E4-4 and 4.6.2 E5-4 to add a reference to Section 2.5.4 for internal consistency;</p>



Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
		<p>measures to “Maintain connections to other habitat areas;</p> <ul style="list-style-type: none"> <li>• 13-4-5 Stormwater Management Facilities provisions; and</li> <li>• 13-4-7 Wetland Mitigation Requirements;</li> </ul> <p>Section 4.6.1 addresses wetland buffers in General Environment Strategy E4-4; and Section 4.6.2 establishes additional general Critical Areas Goals &amp; Policies, including Goal E6 and Strategies E6-1 through -3 regarding functionally isolated wetlands.</p>	
2015			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not include this optional language. The portion of SR103 that passes through the City is not located in shoreline jurisdiction.	No amendment needed.
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	SMP Glossary/Definitions for “Shoreline Hearings Board” notes that appeals of Ecology decisions on SMP approvals are filed with Growth Management Hearings Board;	Definition moved to Section 8.7.7 and SMP appeal procedure removed. New definition provided for GMHB under Section 8.3.4 with SMP appeal procedures added.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	Section 2.5.4 incorporates by reference the City’s 2015 CAO (LBCC Title 13; Ord 920) to apply within shoreline jurisdiction. The City updated the CAO in October 2020, Ordinance 985, but the SMP does not currently rely on this newest version. The 2020 CAO is consistent with Ecology’s most current technical guidance, including Section	Amendment to Section 2.5.4 to incorporate the 2020 CAO, and to delete #9 as duplicative.

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
		13-4-6(A.1) reliance on the approved federal wetland delineation manual & regional supplement.	
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	The SMP allowed use Table 5-1, and SMP 5.2 Aquatic SED both allow aquaculture as a permitted use, but neither specifically address geoduck aquaculture. The Glossary/Definition for “Aquaculture” accurately excludes the harvest of wild geoduck.	No amendment needed.
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	There are no floating homes in the Aquatic SED.	No amendment needed.
d.	The Legislature authorizing a new <b>option to classify existing structures as conforming</b> .	Neither SMP Glossary/Definitions, nor Section 7.0 Nonconforming Uses, Structures, and Lots establish this option to classify legally established residential structures as conforming.	No amendment needed.
<b>2010</b>			
a.	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications</b> .	Section 2.5.4 incorporates the CAO by reference; Section 4.6.2 Goal E5 says to protect critical areas ‘to the extent feasible’; this does not meet the requirement to protect critical areas to ensure ‘no net loss’; Section 6.3 Amendments or Updates to this SMP does not specify the 14-day effective date;	1. Section 2.5.4 amended to correct the CAO incorporation citation; 2. Section 4.6.2 Goal E5 amended to achieve ‘no net loss’; 3. Section 6.3 amended to reflect effective date of SMP amendments.
<b>2009</b>			
a.	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a	SMP does not incorporate these optional procedures.	No amendment needed.

Row	Summary of change	Review – 2017 SMP	Action – 2022 SMP
	shift in Ordinary High Water Mark.		
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	Section 2.5.4 incorporates the CAO by reference	Amend Section 4.6.6, to add Strategy E12-4 to reflect the 2020 CAO where LBCC 13-4-9 adequately addresses Wetland Mitigation Banking.
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	SMP does not address moratoria authority.	No amendment needed.
<b>2007</b>			
a.	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	SMP Glossary/Definitions does not include 'Floodway' and the term is not used in the SMP. There are no FEMA designated floodways in the city.	No amendment needed.
b.	Ecology amended rules to clarify that <b>comprehensively updated SMPs shall include a list and map of streams and lakes</b> that are in shoreline jurisdiction.	Section 2.2 establishes the City's shoreline jurisdiction is along the marine shore of the Pacific Ocean, plus shorelands and associated wetlands. Appendix A includes Shoreline Jurisdiction Map. There are no streams or lakes within the city's Shoreline jurisdiction.	No amendment needed.

\* See additional considerations for Ocean Management within Ecology's Ocean Management Checklist and associated guidance for using the Ocean Management Checklist. This checklist and guidance summarizes state law, rules and applicable updated information related to Ocean Resources Management Act (ORMA) and the Washington State Marine Spatial Plan (MSP). All jurisdictions with coastal waters must implement ORMA and the MSP applies to all jurisdictions that overlap with the MSP Study Area. Clallam County, Jefferson County, Grays Harbor County, Pacific County, Ilwaco, Long Beach, Raymond, South Bend, Cosmopolis, Ocean Shores, Hoquiam, Aberdeen, Westport need to plan for ocean uses consistent with ORMA and the MSP and should be using the Ocean Management Checklist in addition to this Periodic Review Checklist.



## Part Two: Local review amendments

**Part Two** is used to demonstrate compliance with WAC 173-26-090(2)(d)(ii). This checklist identifies changes to the local comprehensive plans or development regulations, changes in local circumstances, new information or improved data that may warrant an SMP amendment during periodic reviews.

### Changes to Comprehensive Plan and Development regulations

Question	Answer		Discussion
Have you had Comprehensive Plan amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	City updated its Comprehensive Plan in May 2020 and deemed consistent with GMA. The Land Use Element incorporates SMP by reference. Related sections include Goals 3.23 (p. 23) and 3.25 (p. 24). The plan does not trigger a need for amendment to the SMP.
	<input type="checkbox"/>	No	
Have you had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	There have been no amendments to Title 11, Unified Development Code, that warrant an amendment to the SMP.
	<input checked="" type="checkbox"/>	No	
Has your Critical Areas Ordinance (CAO) been updated since the SMP comprehensive update? If yes, are there changes that trigger need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	Title 13, Critical Areas Regulations, were last updated in October 2020 and meets all consistency requirements with GMA and SMA. The Periodic Review draft requires incorporating the new CAO by reference.
	<input type="checkbox"/>	No	
Are CAO provisions incorporated by reference (with ordinance # and date) into your SMP? If yes, is it the current CAO or a previous version?	<input checked="" type="checkbox"/>	Yes	Ordinance 985, adopted October 5, 2020. The Periodic Review draft incorporates this latest CAO by reference (Section 2.5.4).
	<input type="checkbox"/>	No	
Has any new shoreline area been annexed into your jurisdiction since your SMP was updated? If yes, were these areas pre-designated? Other	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP for consistency with amendments to the Comprehensive Plan and Development regulations. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
8.0	Moved Glossary/Definitions from front of 2017 SMP to new Section 8	None	Improves organization of SMP/ all definitions consistent with RCW 90.58.030 and WAC 173-26-020
All sections	Minor number changes throughout document to	None	

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	accommodate required amendments/provide numbering system to Section 8 for citation ease		
<b>All sections</b>	Minor grammatical or word changes for added accuracy/clarity, including spelling corrections and internal reference citations		Change does not change consistency with SMA or Rules.
<b>1.0</b>	Remove reference to Appendix B. Minor wordsmithing		Consolidation of the two maps in Appendix A and B into a single map. Change does not change consistency with SMA or Rules.
<b>1.5</b>	Rephrase section to reflect 2022 document as an update to the 2017 SMP		Change does not change consistency with SMA or Rules. Informs public about review process.
<b>1.6</b>	Newly added section Describes the Periodic Review process		Change does not change consistency with SMA or Rules. Informs public about review process.
<b>2.3.4</b>	Minor language revision, to reflect changes to Appendix A and Appendix B maps		Change does not change consistency with SMA or Rules.
<b>2.4.2.4</b>	Permit not required for dredge disposal if consistent with RCW 79.105.500	RCW 90.58.140	Provide clarity regarding permitting for dredge disposal.
<b>4.1</b>	Strategy ED2-3 wording revision relating to on-shore ocean facilities		Provide link of strategy to ocean management provisions within SMP
<b>4.2</b>	Strategy PA3-1 wording revision relating to ocean enjoyment activities		Provide link of strategy to ocean management provisions within SMP
<b>5.0</b>	Removal of introductory language, partially moved to new 5.1.1		Change does not change consistency with SMA or Rules
<b>5.1</b>	Removed original language on Relationship of SEDs and Zoning		This discussion on zoning was superfluous and is better described in the comprehensive plan. Change does not change consistency with SMA or Rules.
<b>5.1</b>	Renaming of section and move up text that was below Table 5-1. Remove reference to maps		Change does not change consistency with SMA or Rules.

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
	in Appendix A and B. Add new 5.1.1 introductory information about Table 5-1		
<b>DeTable 5.1</b>	Fill & Excavation - Adds "(excludes ocean disposal)" to Fill & excavation		Clarifies that ocean disposal is handled separately within Table 5.1. Change does not change consistency with SMA or Rules.
<b>Table 5.1</b>	Fill & Excavation - Add "P" to clarify that filling & grading is permitted as an accessory to a permitted use		Change does not change consistency with SMA or Rules.
<b>Table 5-1</b>	Industrial – Deleted rows as all industrial uses covered under Ocean Management provisions		
<b>Table 5.1</b>	Mining - Adds "(excludes ocean mining)" to Fill & excavation		Clarifies that ocean mining is handled separately within Table 5.1.
<b>Table 5.1</b>	Deletes 4 rows of "Ocean uses/modifications" from table		Proposed edits list Each ocean use separately within the table ; see also the Ocean Management Checklist
<b>Table 5.1</b>	Change Residential uses from a permitted to prohibited use in the Conservancy SED		Conservancy SED only applies in the interdunal associated wetlands, and WAC 173-26-241(3)(j) prohibits in-water/overwater residential use so the previous 'P' allowance was inaccurate/misleading. This action prohibits building residences within intertidal wetlands and ocean beach within the Conservancy SED to avoid loss of shoreline ecological function.
<b>Table 5.1</b>	Remove footnotes 3 and 4 to Table 5.1		These footnotes relate to ocean uses now addressed in Section 5.4.
<b>5.2.3</b>	Removed list of prohibited, permitted uses in text format and rely instead on table format under Table 5-1		Remains consistent with WAC 173-26-241
<b>5.2.4. 31</b>	Removal of development regulations for Ocean Uses from the Aquatic SED		All development regulations pertaining to ocean uses are consolidated under 5.4 Ocean Uses



SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules
5.3.2	Clarify that interdunal wetlands west of the 1889 GML are in the Conservancy SED		Consistent with RCW 90.58.030(2) (d) noting associated wetlands
5.3.3	Removed list of prohibited, permitted uses in text format and rely instead on table format under Table 5-1	None	Remains consistent with WAC 173-26-241
5.3.4.6	Moved existing provision from Section 5.3.3, Conservancy SED - Use Regulations, page 43, to Section 5.3.4, Development Regulations		This provision is better suited as a development regulation rather than as a shoreline use.
5.3.4.24 & 25	These two sections were originally listed under 5.3.3 (not numbered) as a permitted use.		These two provisions were better suited as development regulations rather than a shoreline use.
App. A & B	Combined Shoreline Jurisdiction and Shoreline SED Maps into a single map; new SED map now shows associated wetlands and designates them as Conservancy SED	None	Remains consistent with WAC 173-26-211

### Changes to local circumstance, new information, or improved data

Question	Answer	Discussion
Has your jurisdiction experienced any significant events, such as channel migration, major floods or landslides that impacted your shoreline and could trigger a need for an SMP amendment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Have FEMA floodplain or floodway maps been recently updated for your jurisdiction? If your SMP extends shoreline jurisdiction to the entire 100-year floodplain, has FEMA updated maps that trigger a need for an SMP amendment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Have you issued any formal SMP Administrative Interpretations that could lead to improvements in the SMP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are there any Moratoria in place affecting development in the Shoreline?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Have staff identified the need for clarification based on implementation or	<input checked="" type="checkbox"/> Yes	The SMP jurisdiction and SED maps in the 2017 SMP (Appendices A & B) will be

other changes? e.g., modifications to environment designations, mapping errors, inaccurate internal references.	<input type="checkbox"/>	No	combined into a single map that includes showing all associated wetlands as being in the Conservancy SED.
Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP to address changes to local circumstances, new information, or improved data. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules