



## AGENDA –Monday, April 18, 2022

6:15 p.m. Workshop

7:00 p.m. City Council Meeting

In-Person and Zoom Webinar

Meeting ID: 831 6447 0113

Password: 12345678

### 6:15 WORKSHOP

WS 22-08

Council Vacant Position Number 2 Interviews – TAB A

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

Call to order

Mayor Phillips, Council Member Svendsen,

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, April 4, 2022
- Payment Approval List for Warrant Registers – 60804-60832 & 89392-89479 for \$374,408.95

- AB 22-27 – TIB Grant Award - TAB C
- AB 22-28 – Ordinance 1005 SMP Adoption - TAB D
- AB 22-29 – SUP 2022-02 Food Truck Court – TAB E
- AB 22-30 – SUP 2022-03 Firework Stand – TAB F

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

- Centennial Celebration Table
- Police Chief's Report for March 2022

### 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.  
May 2, 2022, May 16, 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 22-08**

**Meeting Date: April 18, 2022**

AGENDA ITEM INFORMATION		
<b>SUBJECT: Council Vacancy – Applicant Interview</b>	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Events Coordinator	
	Finance Director	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
<b>COST: N/A</b>		
<b>SUMMARY STATEMENT:</b> One letter of interest has been submitted by Larry Phelps, the letter is attached.		

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.

4/13/22

To Long Beach City Council,

My name is Larry Phelps and I am applying for a council position.

I was born and raised on the peninsula. Except for college, I have lived here my whole life.

I have owned Art's Auto Parts for 36 years. (Before that I worked there for 10 years.)

I served on the local school board for 12+ years and also, coached Ilwaco High School girls basketball for 5 years.

I work well with others and always in a collaborative manner.

Thank you,

A handwritten signature in blue ink that reads "Larry Phelps". The signature is written in a cursive, flowing style.

Larry Phelps

TAB - B

## **LONG BEACH CITY COUNCIL MEETING**

**April 4, 2022**

### **6: 00 COUNCIL WORKSHOP**

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

#### **WS 22-07 – Outdoor Food Court, Food Truck Discussion**

David Glasson, City Administrator, and Mayor Phillips facilitated the discussion around outdoor food courts and food trucks.

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

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

Mayor Phillips called the meeting to order.

### **ROLL CALL**

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

### **PUBLIC COMMENT**

Kathleen Davies from the Better Beaches and Byways group made a comment about banning fireworks. Many more people made a similar comment supporting her statement.

### **CONSENT AGENDA**

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

**C. Reddy made the motion to approve the Consent Agenda. C. Murry seconded the motion; 4 Ayes, motion passed.**

### **BUSINESS**

#### **AB 22-25 – Resolution 2022-05 Establishing Policies for Dedicating Public Spaces**

David Glasson, City Administrator, presented the agenda bill. This item was discussed at a previous workshop and just outlines requirements for dedicating public spaces. This includes naming of parks, dedicating of buildings and other public facilities.

**C. Coleman made the motion to authorize Mayor Phillips to sign Resolution 2022-05. C. Reddy seconded the motion; 4 Ayes, motion passed.**

#### **AB 22-26 – Contract with Bird Scooters**



David Glasson, City Administrator, presented the Agenda Bill. Bird Ride Scooters approached the city for a one-year agreement to see if their product is viable in Long Beach. They are proposing a minimum of fifty scooters at no cost to the city. They would be responsible for scooter education and liability.

**C. Murry made the motion to deny Mayor Phillips to enter into an agreement with Bird Ride Scooters. C. Reddy seconded the motion; 4 Ayes, motion passed.**

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

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

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

#### **ADJOURNMENT**

Mayor Phillips adjourned the meeting at 7:23 p.m.

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Mayor

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City Clerk



# Warrant Register

Check Periods: 2022 - April - First

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 THE SAID CLAIM.

Council Member	Council Member	Council Member	Clerk/Treasurer
60804	Bell, Helen S	4/5/2022	\$428.27
60805	Binion, Jacob M	4/5/2022	\$2,146.95
60806	Booi, Kristopher A	4/5/2022	\$1,784.94
60807	Cox, Mallory E	4/5/2022	\$255.43
60808	Goulter, John R	4/5/2022	\$2,023.32
60809	Huff, Timothy M	4/5/2022	\$1,986.89
60810	Kaino, Kris A	4/5/2022	\$1,013.02
60811	Kemmer, Larry L	4/5/2022	\$1,772.08
60812	Luehe, Paul J	4/5/2022	\$1,852.26
60813	McCord, Brendon M	4/5/2022	\$1,300.04
60814	McGuire, Tina M	4/5/2022	\$266.21
60815	Murry, Del R	4/5/2022	\$266.21
60816	Padgett, Timothy J	4/5/2022	\$1,601.34
60817	Quittner, Jonathan H	4/5/2022	\$1,139.33
60818	Reddy, Patrick E	4/5/2022	\$254.31
60819	Svendsen, Sue M	4/5/2022	\$266.21
60820	Wright, Flint R	4/5/2022	\$3,122.93
60821	AFLAC	4/5/2022	\$437.96
60822	Association of WA Cities	4/5/2022	\$31,843.56
60823	Awc - ST & Life	4/5/2022	\$755.24
60824	City of Long Beach - Fica	4/5/2022	\$13,964.40
60825	City of Long Beach - FWH	4/5/2022	\$9,707.53
60826	Council Gift Fund	4/5/2022	\$60.00
60827	Dept of Labor & Industries	4/5/2022	\$2,218.07
60828	Dept of Retirement Systems	4/5/2022	\$13,828.05
60829	Dept of Retirement Systems Def Comp	4/5/2022	\$3,350.30
60830	Employment Security Dept	4/5/2022	\$227.07
60831	Teamsters Local #58	4/5/2022	\$237.00
60832	WEX Health, Inc.	4/5/2022	\$175.00

Execution Time: 7 second(s)

Printed by CLB1\HelenB on 4/15/2022 1:31:34 PM  
Register

89392	Postmaster	4/4/2022	\$858.60
89393	Tangly Cottage Garden	4/6/2022	\$1,439.08
89394	Coastal AG LLC	4/7/2022	\$2,100.00
89395	Long Beach Commercial Security	4/7/2022	\$129.96
89396	Cowser, Eric	4/8/2022	\$328.84
89397	Cutting, Jeff	4/8/2022	\$194.00
89398	Estrada, Miranda	4/8/2022	\$74.00
89399	Meling, Casey	4/8/2022	\$166.88
89400	Natsiopolous, Anthony	4/8/2022	\$114.00
89401	Bangs, Tricia	4/12/2022	\$2,500.00
89402	Tapani, Inc	4/12/2022	\$1,609.59
89403	ABC Services LLC	4/15/2022	\$600.00
89404	Active Enterprises, Inc.	4/15/2022	\$230.81
89405	Airgas USA LLC	4/15/2022	\$68.36
89406	AlSCO-American Linen Div.	4/15/2022	\$299.00
89407	Astoria Janitor & Paper Supply	4/15/2022	\$1,851.34
89408	Backflow Management Inc	4/15/2022	\$1,937.50
89409	Bailey's Saw Shop	4/15/2022	\$110.00
89410	Bank of The Pacific	4/15/2022	\$14,483.47
89411	BSK Associates	4/15/2022	\$961.00
89412	Bud Clary Ford	4/15/2022	\$219.77
89413	Cartegraph	4/15/2022	\$3,378.13
89414	Cascade Columbia Distribution CO	4/15/2022	\$3,111.77
89415	CenturyLink	4/15/2022	\$1,134.15
89416	Cintas	4/15/2022	\$26.91
89417	City of Long Beach	4/15/2022	\$2,083.79
89418	CresComm Wifi, LLC.	4/15/2022	\$180.00
89419	Cummins Sales and Service	4/15/2022	\$747.23
89420	Day Wireless Systems	4/15/2022	\$64.44
89421	Dennis Company Ace (Westlake Hardware, Inc.) WA-133	4/15/2022	\$2,053.09
89422	Department of Licensing - Firearms Section	4/15/2022	\$18.00
89423	DEPT OF RETIREMENT SYSTEMS	4/15/2022	\$25.00
89424	Dooley Enterprises Inc.	4/15/2022	\$4,408.43
89425	Englund Marine Supply	4/15/2022	\$988.99
89426	Eradipest LLC	4/15/2022	\$81.23
89427	Evergreen Septic Inc	4/15/2022	\$575.00
89428	Fastenal Company	4/15/2022	\$200.36
89429	Ford Electric	4/15/2022	\$19,045.93
89430	Glasson, David	4/15/2022	\$21.40
89431	Gray & Osborne	4/15/2022	\$9,310.22
89432	H. D. FOWLER	4/15/2022	\$60,959.04
89433	Hach Company	4/15/2022	\$642.88
89434	Hill, Parker	4/15/2022	\$5,000.00
89435	Interstate Battery	4/15/2022	\$540.22
89436	Jacoby, Rich	4/15/2022	\$378.57

89437	Lawson Products, Inc.	4/15/2022	\$6.26
89438	Long Beach Commercial Security	4/15/2022	\$180.86
89439	Long Beach Merchants	4/15/2022	\$7,500.00
89440	MCCi, LLC	4/15/2022	\$10,797.30
89441	MossyTech LLC	4/15/2022	\$274.50
89442	MossyTel	4/15/2022	\$303.30
89443	Oman & Son Builders	4/15/2022	\$2,943.79
89444	One Call Concepts, Inc.	4/15/2022	\$21.40
89445	Pacific Art & Office Supply	4/15/2022	\$28.11
89446	Pacific County Sheriffs	4/15/2022	\$11,358.30
89447	Pacific County Treasurer	4/15/2022	\$6,930.84
89448	Pacific Fibre Products, Inc.	4/15/2022	\$1,405.30
89449	Pacific Office Automation	4/15/2022	\$547.85
89450	Pacific Solid Waste Disposal	4/15/2022	\$274.90
89451	Peninsula Sanitation	4/15/2022	\$1,441.93
89452	Peninsula Visitors Bureau	4/15/2022	\$250.00
89453	Penoyar, Joel	4/15/2022	\$2,100.00
89454	Public Safety Testing, Inc	4/15/2022	\$103.00
89455	Public Utility District 2	4/15/2022	\$13,734.09
89456	Quadient Leasing USA, Inc.	4/15/2022	\$844.89
89457	Quill Corporation	4/15/2022	\$118.85
89458	Ryan Herco Products Corp	4/15/2022	\$132.54
89459	Safe Restraints, Inc.	4/15/2022	\$2,998.12
89460	Sea Western Fire	4/15/2022	\$127.90
89461	Sid's Market	4/15/2022	\$9.17
89462	Soiltest Farm Consultants, Inc.	4/15/2022	\$300.00
89463	STAPLES BUSINESS CREDIT	4/15/2022	\$84.04
89464	SUNSET AUTO PARTS, INC	4/15/2022	\$2,082.58
89465	Taft Plumbing	4/15/2022	\$752.31
89466	TireHub	4/15/2022	\$1,060.00
89467	TMG Services, Inc.	4/15/2022	\$34,983.32
89468	Tobey, Todd & Trina	4/15/2022	\$5,185.58
89469	Total Battery & Auto	4/15/2022	\$89.26
89470	Traffic Safety Supply Co.	4/15/2022	\$1,823.77
89471	U. S. Bank Equipment Finance	4/15/2022	\$718.50
89472	U.S. Bank N.A.	4/15/2022	\$126.58
89473	Visa	4/15/2022	\$7,210.11
89474	Wausau Tile	4/15/2022	\$1,050.70
89475	Wex Bank	4/15/2022	\$1,000.00
89476	WEX Health, Inc.	4/15/2022	\$50.00
89477	Whitney Equipment Co. Inc	4/15/2022	\$7,451.33
89478	Wilcox & Flegel Oil Co.	4/15/2022	\$2,073.85
89479	Wright, Flint	4/15/2022	\$398.92
Total			\$374,408.95
Grand Total			\$374,408.95



TAB - C



**CITY COUNCIL  
AGENDA BILL**

**AB 22-27**

**Meeting Date:**

**April 18, 2022**

**AGENDA ITEM INFORMATION**

**SUBJECT: TIB Contract  
for Complete Streets  
Grant Award**

**Originator:**

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

AS

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Other:

**COST:** \$75,000 Grant

**SUMMARY STATEMENT:** TIB has awarded the City of Long Beach a \$75,000 grant for "complete streets". The city plans to use this money to place sidewalks on the northeast end (21<sup>st</sup> NE – 26<sup>th</sup> ST NE) of town.

**RECOMMENDED ACTION:** *Authorize the Mayor to enter to an agreement with TIB for the Complete Streets grant of \$75,000.*



## Washington State Transportation Improvement Board

March 25, 2022

### TIB Members

Chair  
Councilmember Sam Low  
Snohomish County

Vice Chair  
Mayor Glenn Johnson  
City of Pullman

Amy Asher  
Mason Transit Authority

Aaron Butters, P.E.  
HW Lochner Inc.

Susan Carter  
Hopelink

Barbara Chamberlain  
WSDOT

Elizabeth Chamberlain  
City of Walla Walla

Chad Coles, P.E.  
Spokane County

Mike Dahlem, P.E.  
City of Sumner

Commissioner Al French  
Spokane County

Councilmember Hilda Guzmán  
City of Granger

Commissioner Scott Hutsell  
Lincoln County

John Klekotka, P.E.  
Port of Everett

David Ramsay  
Feet First

Les Reardanz  
Whatcom Transportation Authority

Ruth Roberson  
Budget Assistant to the Governor

Peter Rogalsky, P.E.  
City of Richland

Councilmember Jan Schuette  
City of Arlington

Jennifer Walker  
Thurston County

Jane Wall  
County Road Administration Board

Ariel Smith  
City of Long Beach  
Post Office Box 310  
Long Beach, WA 98631-0310

Dear Ariel:

Congratulations! The Transportation Improvement Board (TIB) has selected your city for a Complete Streets Award. This recognition award includes a grant not to exceed the amount of \$75,000.

### How is grant funding received? What is the next step?

- Please email an original signed Grant Agreement. Once executed (signed by TIB), we will email you a copy for your records.
- The total grant may be transferred to your city as soon as June 1, 2022.
- Funds must be tracked in a separate account or with an identifiable accounting code.
- Check with your finance officer to ensure your city is ready to receive funds.

### How can funds be used? What is the grant requirement?

- The grant requires **all** items on the attached and approved TIB Complete Streets work plan to be completed. (Additional funding from other sources may be required to finish all approved items.)

### How do I show the funds were used?

Once the approved work plan items are completed, you must send in backup documentation showing expenditure amounts, dates, and activities related to the funds and photos or other documentation showing the completed work.

### When must funds be used?

Funds must be used by March 25, 2025. Any unused funds must be returned to TIB.

### Future eligibility.

All items listed on your approved work plan must be completed before your city will become eligible for future Complete Streets awards.

If you have questions, please contact Chris Langhoff, TIB Project Engineer, at (360) 586-1157 or email [ChrisL@tib.wa.gov](mailto:ChrisL@tib.wa.gov). Questions regarding fund transfers should be directed to Vaughn Nelson at (360) 586-1149 or email [VaughnN@tib.wa.gov](mailto:VaughnN@tib.wa.gov).

Sincerely,

Ashley Probart  
Executive Director

Attachments

Ashley Probart  
Executive Director

P.O. Box 40901  
Olympia, WA 98504-0901  
Phone: 360-586-1140  
[www.tib.wa.gov](http://www.tib.wa.gov)



City of Long Beach  
C-W-970(001)-1  
Complete Streets Award

STATE OF WASHINGTON  
TRANSPORTATION IMPROVEMENT BOARD  
AND  
CITY OF LONG BEACH  
GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is made and entered into between the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD ("TIB") and the CITY OF LONG BEACH, a Washington state municipal corporation ("RECIPIENT").

WHEREAS, the TIB has developed a grant program, Complete Streets, to provide for the retrofit of streets and roads ("Project") for eligible cities, towns, and counties to provide access to all users, including bicyclists, pedestrians, motorists, and public transportation riders, and

WHEREAS, the above-identified RECIPIENT is eligible to receive a Project grant pursuant to ordinance 957 and that it has the legal authority to receive such grant and to perform the Project pursuant to the terms of this grant

NOW, THEREFORE, pursuant to chapter 47.26 RCW, RCW 47.04.320, and WAC 479-10-500 *et seq*, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, and performances contained herein, and the attached Exhibits, if any, which are made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. GRANT

TIB agrees to grant funds in the amount of SEVENTY FIVE THOUSAND AND NO/100 dollars (\$75,000) for the Project pursuant to the terms contained herein, and the RECIPIENT agrees to accept such grant funds and agrees to perform and be subject to the terms and conditions of this Agreement.

2. PROJECT AND BUDGET

The Project shall provide for the retrofit of identified streets or roads on the RECIPIENT's approved work plan. In accordance with applicable laws and ordinances, the RECIPIENT agrees to enter into an agreement with an independent contractor and/or material providers, or otherwise provide for the Project work plan to be completed by the RECIPIENT's own forces. The RECIPIENT further agrees that it shall be solely responsible for and shall pay its independent contractor and/or material providers. If RECIPIENT uses its own forces, it shall be solely responsible for paying the costs thereof. Under no circumstances shall the TIB be responsible to any third party for the payment of labor or materials used in completing the Project work plan. The Project work plan may be amended by the Parties, pursuant to Section 7.

3. PROJECT WORK PLAN AND DOCUMENTATION





Washington State Transportation Improvement Board  
Complete Streets Award Grant Agreement

C-W-970(001)-1

The RECIPIENT agrees to and shall make reasonable progress and submit timely Project documentation, as applicable, throughout the term of this Agreement and Project.

Required documents include, but are not limited to the following:

- a) Project work plan describing eligible items with estimated costs;
- b) Documentation to support all costs expended on the Project work plan; and
- b) Project work plan Closeout Form.

#### 4. PAYMENT AND RETURN OF GRANT FUNDS

TIB will pay the full grant award to the RECIPIENT after TIB approves the Project work plan and the Parties fully execute this Agreement; provided that there are legislatively appropriated funds available. The RECIPIENT agrees that it shall hold the grant funds in a separate and identifiable account and only use said funds to pay the actual direct and related indirect costs of the approved Project work plan. Grant funds not expended on approved Project work plan items by March 25<sup>th</sup>, 2025 shall be returned to TIB within ninety (90) days after receipt of TIB's written notification.

#### 5. USE OF COMPLETE STREETS GRANT FUNDS

RECIPIENT agrees that the grant funds shall only be used to complete the approved Project work plan. Otherwise, RECIPIENT is subject to the Default and Termination provisions of Section 9.

#### 6. RECORDS MAINTENANCE

6.1 The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the Project work plan, including but not limited to accounting procedures and practices which sufficiently and properly reflect all actual direct and related indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years after the completion of the Project work plan and TIB's acceptance of the Project work plan Closeout Form. At no cost to TIB, these records shall be provided when requested; including materials generated under the Agreement, and shall be subject at all reasonable times to inspection, review or audit by TIB personnel, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

6.2 If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

#### 7. REVISIONS TO THE PROJECT WORK PLAN

RECIPIENT may request revisions to the Project work plan, including the addition or removal of items. Requests must be made in writing, and TIB, in its sole discretion, will determine whether to accept the proposed revisions. Should the TIB approve a Project work plan revision, the Parties shall amend this Agreement pursuant to Section 14. The RECIPIENT shall be solely responsible for all costs incurred in excess of the Agreement grant award.



## 8. TERM OF AGREEMENT

This Agreement shall be effective upon execution by the Parties and shall continue through closeout of the grant amount, or amendment thereof, or unless terminated as provided herein. In no event shall the Agreement term exceed three years, unless extended by Agreement amendment pursuant to Section 14.

## 9. NON-COMPLIANCE, DEFAULT AND TERMINATION

### 9.1 NON-COMPLIANCE

a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement and applicable rules under WAC 479-10-500 *et seq*, TIB shall notify the RECIPIENT, in writing, of RECIPIENT's non-compliance.

b) RECIPIENT shall provide a written response within ten (10) business days of receipt of TIB's notice of non-compliance, which shall include either a detailed plan to correct the non-compliance, a request to amend the Project work plan, or a denial accompanied by supporting documentation. An agreement to amend the Project work plan must be pursuant to Section 14.

c) RECIPIENT shall have thirty (30) days in which to make reasonable progress toward compliance pursuant to its Project work plan to correct or implement an amendment to the Project work plan.

d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and, in its sole discretion, TIB may require the RECIPIENT to stop incurring additional Project work plan costs during the investigation. Should TIB require the RECIPIENT to stop incurring additional costs to be paid with the grant funds, the RECIPIENT shall be solely obligated for paying any additional costs incurred by such suspension of work, contractor claims, or litigation costs; such costs cannot be paid for with grant funds.

### 9.2 DEFAULT

RECIPIENT is in default if TIB determines, in its sole discretion, that:

- a) RECIPIENT is not making reasonable progress toward correction and compliance with this Agreement and the Project work plan;
- b) TIB denies the RECIPIENT's request to amend the Project work plan; and
- c) After investigation, TIB confirms RECIPIENT'S non-compliance.

### 9.3 TERMINATION

a) In the event of default as determined pursuant to Section 9, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which may be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop incurring costs chargeable against the grant funds and/or take such actions necessary as may be directed by TIB to protect TIB's grant funds.

b) In the event of termination, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of all grant funds.





- c) The rights and remedies of TIB provided in this Agreement are not exclusive and are in addition to any other rights and remedies provided by law.

#### 10. DISPUTE RESOLUTION

- a) The Parties shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this Agreement. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this Agreement.
- b) Informal Resolution. The Parties shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the Parties are unable to resolve the dispute, the Parties shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The Parties shall share equally in the costs of the mediator.
- d) Each Party agrees to participate to the fullest extent possible and in good faith in resolving the dispute in order to avoid delays or additional incurred cost to the Project work plan.
- e) The Parties agree that they shall have no right to seek relief in a court of law in accordance with Section 11, until and unless the Dispute Resolution process has been exhausted.

#### 11. GOVERNANCE, VENUE, AND ATTORNEYS FEES

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County. The Parties agree that each Party shall be responsible for its own attorneys' fees and costs.

#### 12. INDEMNIFICATION, HOLD HARMLESS, AND WAIVER

12.1 RECIPIENT, shall protect, defend, indemnify, and save harmless the TIB, its officers, officials, employees, and authorized agents, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, RECIPIENT'S negligent acts or omissions which may arise in connection with its performance under this Agreement. RECIPIENT shall not be required to indemnify, defend, or save harmless the TIB if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of TIB; provided that, where such claims, suits, or actions result from the concurrent negligence of the Parties, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of RECIPIENT's own negligence

12.2 RECIPIENT agrees that its obligations under this section extends to any claim, demand and/or cause of action brought by, or on behalf of, any of its officers, officials, employees or authorized agents. For this purpose, RECIPIENT, by mutual negotiation, hereby waives, with respect to TIB only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of Title 51 RCW.



12.3 The obligations of this indemnification and waiver Section shall survive termination of this Agreement.

### 13. ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights or obligations under this Agreement.

### 14. AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

### 15. INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

### 16. ENTIRE AGREEMENT

This Agreement, together with the Exhibits, if any, the provisions of chapter 47.26 RCW, chapter 479 WAC, and TIB Policies, constitute the entire Agreement between the Parties and supersedes all previous written or oral agreements between the Parties. RECIPIENT agrees to abide by all applicable federal, state and local laws, ordinances, and rules when performing under the terms of this Agreement.

RECIPIENT

Transportation Improvement Board

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

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

Approved as to Form

By: \_\_\_\_\_  
ANN E. SALAY

Senior Assistant Attorney General

NOTE: Any changes to the terms of this Agreement shall require further approval of the Office of the Attorney General





# Transportation Improvement Board Complete Streets Work Plan

Agency City of Long Beach

Agency Contact Ariel Smith

Phone 360-642-4421

Email asmith@longbeachwa.gov

Total Work Plan  
Complete Streets Funding

\$75,000



Proposed Work Item	Description	Complete Streets Funding	Estimated Completion Year
North End improvements	The city of Long Beach has been working on a improvement project for nearly two-years. There are five blocks between 21st NE and 26th NE that need lighting and sidewalks. This is a high traffic area as it links residential and short-term rentals to the golf course. The city has purchased the light poles, globes and has a bid to start the electrical work. In the last year the city has also completed stormwater improvements. This work has amounted to roughly \$78,000. The last portion of the project is the sidewalks (estimated to be \$110,000). This money would be used to literally complete the street. The sidewalks would meet ADA requirements and be a great addition to the north end of Long Beach. If we were awarded \$75,000 we would use local funds to finish the project. This is our number one priority.	\$ 75,000	2022

Work must be completed within three years of board approval or funds will be returned. All work plan items must be completed before agency is eligible for future nominations.

## Agency Certification

Certification is hereby given that the proposed work plan represents projects that support and reflect our commitment to the Complete Streets ordinance and ethic.

David Glasston  
Signature of Authorized Agency Official  
David Glasston City Admin  
Agency Official Name & Title

1/19/22  
Date

## TIB Approval

Chenille  
Project Engineer Review  
Executive Director  
Date 2/24/22  
Date 3-28-2022

TAB - D



**CITY COUNCIL  
AGENDA BILL**

**AB 22-28**

**Meeting Date: April 18, 2022**

**AGENDA ITEM INFORMATION**

**SUBJECT: Ordinance  
1005 – Adopting the SMP**

**Originator:**

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

AS

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

**COST: N/A**

Water/Wastewater Supervisor

Other:

**SUMMARY STATEMENT:** A Shoreline Master Program periodic review is required every seven years. The city began this process in mid-2021 and has held all of the required meetings, met all of the standards, and has had the document reviewed by the proper agencies. The Planning Commission held a public hearing and has made a recommendation to the City Council for formal adoption.

**RECOMMENDED ACTION: Approve Ordinance 1005 adopting the Shoreline Master Program.**

## **ORDINANCE 1005**

### **AN ORDINANCE AMENDING THE CITY OF LONG BEACH SHORELINE MASTER PROGRAM PURSUANT TO CHAPTER 90.58 RCW AND CHAPTER 173-26 WAC.**

WHEREAS, the State of Washington Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW, requires counties and cities to prepare shoreline master programs (SMPs) to prevent the uncoordinated and piecemeal development of shorelines of the state; and

WHEREAS, the City of Long Beach adopted on July 17, 2017 a Shoreline Master Program consistent with Chapter 90.58 RCW and Chapter 173-26 WAC; and

WHEREAS, RCW 90.58.080(4)(a) requires counties to periodically review their SMP to ensure the SMP stays current with changes in laws and rules, remains consistent with other City of Long Beach plans and regulations, and is responsive to changed circumstances, new information and improved data; and

WHEREAS, the City of Long Beach chose to conduct the SMP periodic review consistent with the optional joint review process per WAC 173-26-104; and

WHEREAS, the City of Long Beach prepared and implemented a Public Participation Plan for engaging the public, non-governmental organizations, state agencies, and tribal governments in the periodic review process; and

WHEREAS, the City of Long Beach conducted its periodic review and prepared a draft SMP with associated amendments; and

WHEREAS, the City of Long Beach held two open public workshops with the City of Long Beach Planning Commission on September 28, 2021, February 9, 2021 and October 26, 2021; and

WHEREAS, the City of Long Beach sent the draft to Washington State Department of Commerce on December 15, 2021 for the 60 day review; and

WHEREAS, under the SMA, the City of Long Beach and the Washington State Department of Ecology share joint authority and responsibility for the administration of the Lewis County SMP (pursuant to RCW 90.58.050); and

WHEREAS, before the public hearing, the City of Long Beach and the Washington State Department of Ecology held a public comment period on the document from December 15, 2021 to February 20, 2022, and received no comments; and

WHEREAS, on January 11, 2022, the City of Long Beach Planning Commission conducted a joint public hearing with the Washington State Department of Ecology, noticed in accordance with the standards in Section 11-2C-11 LBMC; and

WHEREAS, the City of Long Beach issued a SEPA Determination of Nonsignificance for the draft on February 4, 2022 and received comment from the Washington State Department of Fish and Wildlife that the city considered and prepared a response; and

WHEREAS, the City of Long Beach submitted a draft SMP with amendments and related documentation to the Washington State Department of Ecology on February 25, 2022 for the Initial Determination of Consistency in accordance with WAC 173-26-104(3)(a); and

WHEREAS, on April 12, 2022, the Planning Commission considered all comments received from the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife on the draft Shoreline Master Program amendments, incorporated said changes it deemed necessary, and subsequently voted unanimously to recommend to the City Council its adoption; and

WHEREAS, the City Council on April 18, 2022 considered and adopted the recommendation of the Planning Commission; and

WHEREAS, the City Council finds the amended Shoreline Master Program consistent with Chapter 90.58 RCW and Chapter 173-26 WAC;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON:

Section 1. Adoption of Amendments to Shoreline Master Program

The Shoreline Master Program adopted by the City Council pursuant to Ordinance 1005 is hereby amended as shown in the revision marks as set forth in attached Exhibit A.

Section 2. Submission to the Department of Ecology

The Director of Community Development shall submit the amended Shoreline Master Program and associated documents to the Washington State Department of Ecology for their review and approval prior to formal adoption.

Section 3. Severability

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

Section 4. Effective Date

The amendments to the SMP adopted through Ordinance No. 1005 shall be effective 14 days after Washington State Department of Ecology issues final action as provided by RCW 90.58.090 and WAC 173-26-110.

Passed this 18th day of April, 2022.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_



ATTEST:

---

Mayor Jerry Phillips

---

Jessie Hermens, City Clerk

**City of Long Beach  
Planning Commission**

**MEMORANDUM**

**TO:** Long Beach City Council  
**SUBJECT:** Recommendation Regarding Draft Shoreline Master Program Amendments  
**FROM:** Long Beach Planning Commission  
**DATE:** March 28, 2022

---

HONORABLE MAYOR AND MEMBERS OF THE COUNCIL:

Background

The Shoreline Management Act (SMA) requires the city to review and revise, if necessary, its SMP on an eight-year schedule under state law (RCW 90.58.080). The Periodic Review ensures the SMP stays current with changes with state laws and rules, remains consistent with other city plans and development regulations, and reflects changed circumstances, new information, or improved data.

Findings of Fact

The Long Beach Planning Commission finds the following facts:

1. The City of Long Beach adopted its current Shoreline Master Program in 2017.
2. The City of Long Beach entered into a grant agreement with the Washington State Department of Ecology (ECY) in August 2021 to assist in the cost of conducting the Periodic Review.
3. The city elected to conduct the SMP Periodic Review consistent with the optional joint review process per WAC 173-26-104.
4. The City of Long Beach prepared and distributed a Public Participation Plan for engaging the public during the Periodic Review process. The city initiated the outreach process by using its email lists and website to inform the public, interested organizations, state agencies, and tribal governments about the process.
5. The City of Long Beach Planning Commission initiated its Periodic Review efforts in September 2021 by holding a community workshop. This session presented an overview of the existing SMP, requirements for the Periodic Review process, and details about the public outreach program. The Planning Commission also agreed to distribute an on-line survey to the community.
6. The city made available an on-line survey to the community from mid-September to mid-October 2021. There were 14 responses to the survey.
7. The city conducted a review of the 2017 SMP consistent with the Periodic Review and Ocean Management Checklists. In addition, the review considered if further changes were necessary due to changes in community conditions or best available science. This review process showed the need only to make changes consistent with state law and rules that happened since the adoption of the 2017 SMP. Working in conjunction with ECY staff, the city prepared a first draft SMP for Planning Commission and public review.
8. The City of Long Beach Planning Commission held a second meeting in October 2021 to discuss and evaluate the results of the on-line survey as well as the changes in the first draft of the SMP. The Planning Commission determined there were no further changes necessary to the first draft and to move forward with scheduling the Joint city/ECY comment period and public hearing.

9. The city and ECY scheduled a Joint Public Comment Period for the draft SMP that began on December 15, 2021 and ended on January 21, 2022. On January 11, 2022, the Planning Commission and ECY held a joint public hearing via Zoom to allow for an in-person public comment opportunity. The city published notice of the comment period and public hearing in the Chinook Observer on December 15, 2021. ECY simultaneously published notice on its website. The city also distributed notice of the draft SMP, comment period, and public hearing date on its website and through its email list.
10. The city received no comment on the draft SMP during the comment period.
11. The city provided the Washington State Department of Commerce the 60-Day Notice of Intent to Adopt an Amendment as required under state law. The comment period began on December 15, 2021 and ended on January 21, 2022. The city received no comments on the draft SMP during this comment period.
12. The city issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act (SEPA) on February 4, 2022 with publication in the Chinook Observer on February 9, 2022. The DNS comment period began on February 4, 2022 and ended on February 23, 2022. The city received a comment letter from the Washington Department of Fish and Wildlife (WDFW) on February 16, 2022 (letter dated January 20, 2022). The city has prepared a comment matrix on the letter that includes the comment and the city's response. The WDFW comment letter is Attachment A, and the comment matrix is Attachment B, both included at the end of this Recommendation.
13. The city submitted the draft SMP and associated materials to ECY for the required Initial Determination of Consistency. ECY notified the city on February 25, 2022 that it deemed the submittals complete in accordance with WAC 173-26-104(3)(a) and would initiate review of the document.
14. Upon completing its Initial Determination of Consistency review, ECY submitted a list of required and recommended changes to the draft the SMP as shown in Attachment B.
15. On April 12, 2022, the Planning Commission reviewed all testimony received on the draft SMP during the Joint Periodic Review and SEPA comment periods and incorporated those changes it deemed appropriate.

### Conclusions

Based on these findings of fact, the Planning Commission concludes that the Periodic Review for the City of Long Beach Shoreline Master Program:

1. Followed the amendment procedures in accordance with WAC 173-26-090(1) through (7);
2. Assessed if there were any changed circumstances, new information, or improved data that warranted amendments to the 2017 SMP;
3. Considered the opinions, comments, and ideas of Long Beach citizens as collected through the Planning Commission's public participation efforts; and
4. Incorporated amendments into the draft 2022 SMP consistent with current city plans and regulations, the Periodic Review Checklist, the Ocean Management Checklist, Chapter 90.58 RCW, and Chapter 173-26 WAC.

### Recommendation

Pursuant to Section 11-2B-3, the Planning Commission at its March 8, 2022 meeting adopted the motion to forward a recommendation to the that the City Council to APPROVE the attached Final Draft of the City of Long Beach Shoreline Master Program.

Sincerely,

Curtis Epping, Chair

**Attachment A: DNS Comment Letter from WDFW**



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**  
Coastal Region • Region 6 • 48 Devonshire Road, Montesano, WA 98563-9618  
Telephone: (360) 249-4628 • Fax: (360) 249-1229

1/20/2022

City of Long Beach  
ATTN: Ms. Ariel Smith, City Planner  
115 Bolstad Avenue W  
Long Beach, WA 98631

Subject: Washington Department of Fish and Wildlife (WDFW) Comments on the City of Long Beach Draft Shoreline Master Program Periodic Review

Dear Ms. Smith,

Thank you for the opportunity to comment on your city's draft Shoreline Master Program (SMP) periodic update, dated September 24, 2021. Washington Department of Fish and Wildlife (WDFW) received notification of the SMP document's availability on December 14, 2021, via your email and have completed our review. The purpose of this letter is to provide you with our feedback on that document.

Washington Department of Fish & Wildlife's role in SMP updates is to provide technical assistance to local jurisdictions about the specific needs of fish and wildlife in your community. We work in partnership with local governments to achieve our mandate, which is to preserve, protect, and perpetuate the state's fish and wildlife species and their habitats and to provide sustainable recreational and commercial fishing and hunting opportunities. Long Beach is well known for its' beaches and the razor clams that grow there and tourism to visit the beach is the major economic driver. Persistence of beach habitat, and the species that use it, is critical for Long Beach's economic future. With this in mind, we offer the following observations and recommendations, mostly suggesting additional language or adjustments to phrasing.

1. WDFW applauds the inclusion of RCW 36.70A.17 and the Best Available Science language as part of the SMP. With these in mind, we highlight the new best available science that has been released from WDFW in Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications and Riparian Ecosystems, Volume 2: Management Recommendations. We encourage Long Beach to implement the new recommendations outlined in these publications to provide the best protection to priority habitats and species when possible. We believe the implementation of these rules would increase the strength of the protections outlined in section 2.5.4 of the SMP.
2. WDFW appreciates the thoroughness of the considerations laid out in Section 4.8, Goal O-1 but encourages stronger language in the strategies. The use of "should" in these strategies suggest



that the requirements are optional instead of mandatory. WDFW recommends using the phrases of "shall" or "must" to solidify the necessity of each strategy requirement.

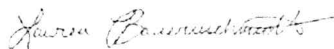
3. WDFW appreciates the concern for ocean processes in reference to the impacts that there may be from ocean energy, but we feel that Section 5.2 Ocean Use 25, could use an additional provision to fully encompass all potential ocean energy impacts. As proposed, the provisions do not address potential impacts to natural resources or environmentally critical or sensitive habitats. In the same section under ISU Protection Standards 33.a.ii.A: there is a list of what qualifies as degradation of living marine organisms. The list does not include species' health or fitness as potential indicators of degradation. A healthy population of a species is crucial to the long-term survival of the species. If disease or invasive threats are introduced through new ocean uses, those should also be considered and avoided to the highest extent possible. We encourage both language additions to the SMP.
4. WDFW is concerned for the potential impacts from boardwalk or other beach upland construction to dune habitat. Dunes are crucial areas of habitat for species like the Snowy Plover and Streaked Horned Lark as well as the Taylor's Checkerspot Butterfly (WDFW 2015 State Action Plan). Dunes are also critical to maintain beach elevation and protect beach uplands from ocean storms. In Section 5.3.4 Development Regulation: Fill/Grading, there should be consideration for impacts to priority species or beach processes before leveling dunes. We feel that without this language there is the potential for degradation of dunes and the shoreline of Long Beach.
5. WDFW is pleased that there is an outlined meeting process for new ocean use proposals; we would like to see additional language for part of that process. In Section 5.3.4 Development Regulations, 2.d should also include a requirement for a mitigation plan in addition to the construction and operation plans. These types of projects will more than likely include known impacts from the start of the project and the proponent should come prepared with a mitigation plan to offset impacts. This requirement also gives the proponent warning that mitigation will be expected for any anticipated impacts.

In summary, we appreciate the new regulations put in place to protect priority habitat and species in the ocean as well as facilitating recreational uses. We believe the updates to the SMP improve protections to our natural resources and the incorporation of our comments on buffers, dune habitat, and language additions will further strengthen those protections.

Washington Department of Fish and Wildlife congratulate you for having finalized an updated draft SMP. We understand that these land use planning activities can take significant time and resources and we appreciate the opportunity you have provided to us through the review of this document. We look forward to working with you to help implement the final version upon approval.

Please contact me if you have any questions. I can be reached at [lauren.bauernschmidt@dfw.wa.gov](mailto:lauren.bauernschmidt@dfw.wa.gov) or 360-480-2558.

Sincerely,



Lauren Bauernschmidt, Habitat Biologist

cc: Gwendolen Lentes, Regional Habitat Program Manager, WDFW  
Amy Spoon, Assistant Regional Habitat Program Manager, WDFW  
Mary Huff, Land Use Conservation & Policy Section Manager, WDFW



**Attachment B: Comment Matrix – WDFW Letter (Attachment A)**

**Joint Comment Period Summary: Comments on Draft 2022 SMP Amendments**

Joint City of Long Beach and Ecology Public Comment Period, December 15, 2021 through January 21, 2022, and Joint Public Hearing, January 11, 2022.

Determination of Nonsignificance, State Environmental Policy Act Comment Period, February 4, 2022 through February 23, 2022.

Comment Number	SMP Code Section/Topic	Commenter	Comment	City Response
1	Adoption of WDFW best available science for Riparian Ecosystems	Washington State Department of Fish & Wildlife (WDFW)	WDFW applauds the inclusion of RCW 36.70A.17 and the Best Available Science language as part of the SMP. With these in mind, we highlight the new best available science that has been released from WDFW in Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications and Riparian Ecosystems, Volume 2: Management Recommendations. We encourage Long Beach to implement the new recommendations outlined in these publications to provide the best protection to priority habitats and species when possible. We believe the implementation of these rules would increase the strength of the protections outlined in section 2.5.4 of the SMP.	<p>The city has no riparian habitat within shoreline jurisdiction and the document lacks relevance to the Pacific Ocean environment or dunal wetlands.</p> <p>However, the city will consider adopting this reference into its critical area ordinance pertaining to Fish and Wildlife Habitat Conservation Areas, Section 13-5-10, during the next GMA periodic review process.</p> <p>No further action taken to address this comment.</p>
2	Section 4.8, Goal O-1	Washington State Department of Fish & Wildlife (WDFW)	WDFW appreciates the thoroughness of the considerations laid out in Section 4.8, Goal O-1 but encourages stronger language in the strategies. The use of "should" in these strategies suggest that the requirements are optional instead of mandatory. WDFW recommends using the phrases of "shall" or "must" to solidify the necessity of each strategy requirement.	<p>The city adopted the example language verbatim from the Washington State Department of Ecology's Ocean Management SMP Checklist Guidelines.</p> <p>Section 4.8 is a goal and strategy statement that provides general guidance for utilizing ocean resources in a sustainable manner. It establishes the conceptual basis for the Ocean Management Regulations covered under Section 5.3.</p> <p>Based on the definitions of 'should' and 'shall' at WAC 173-26-020 and SMP Section 8.7, the basic SMP construct is for policies/strategies worded as 'should' and regulations worded as 'shall'. In context within this SMP, the use of "should" reflects</p>

Comment Number	SMP Code Section/Topic	Commenter	Comment	City Response
				the city's rationale for establishing the regulations provided under Section 5.3, Ocean Uses. No further action taken to address this comment.
3	Section 5.2, Ocean Use 25 (Section 5.3.3.1.c)	Washington State Department of Fish & Wildlife (WDFW)	WDFW appreciates the concern for ocean processes in reference to the impacts that there may be from ocean energy, but we feel that Section 5.2 Ocean Use 25, could use an additional provision to fully encompass all potential ocean energy impacts. As proposed, the provisions do not address potential impacts to natural resources or environmentally critical or sensitive habitats. In the same section under ISU Protection Standards 33.a.ii.A: there is a list of what qualifies as degradation of living marine organisms. The list does not include species' health or fitness as potential indicators of degradation. A healthy population of a species is crucial to the long-term survival of the species. If disease or invasive threats are introduced through new ocean uses, those should also be considered and avoided to the highest extent possible. We encourage both language additions to the SMP.	WDFW is referencing a section number under a previous draft – the comment applies to Section 5.3.3.1.c, ocean energy production, in the current draft. The city adopted the example language for this section verbatim from the Washington State Department of Ecology's (ECY) Ocean Management Provisions. The city maintains that Section 33.a.ii.A adequately addresses WDFW concerns. However, the city encourages WDFW to consult with ECY to revise the current Ocean Management Provisions to develop mutually acceptable language to both agencies and then provide it to coastal cities and counties for inclusion in their SMPs. No further action taken to address this comment.
4	Section 5.3.4	Washington State Department of Fish & Wildlife (WDFW)	WDFW is concerned for the potential impacts from boardwalk or other beach upland construction to dune habitat. Dunes are crucial areas of habitat for species like the Snowy Plover and Streaked Horned Lark as well as the Taylor's Checkerspot Butterfly (WDFW 2015 State Action Plan). Dunes are also critical to maintain beach elevation and protect beach uplands from ocean storms. In Section 5.3.4 Development Regulation: Fill/Grading, there should be consideration for impacts to priority species or beach processes before leveling dunes. We feel that without this language there is the potential for degradation of dunes and the shoreline of Long Beach.	While the draft SMP discusses the boardwalk, its location is outside of shoreline jurisdiction. The SMP includes this project within the context that is serves as ancillary infrastructure supporting public access to the beach environment. The SMP incorporates Title 13 LBMC, Critical Areas Regulations, by reference under Section 2.5.4. Any dune maintenance, whether within or outside shoreline jurisdiction, falls under the regulatory framework of the critical areas ordinance, specifically Section 13-5, Fish and Wildlife Habitat Conservation Areas, and Section 13-8, Geologically Hazardous Areas, of the Long Beach Municipal Code. No further action taken to address this comment.

Comment Number	SMP Code Section/Topic	Commenter	Comment	City Response
5	Meeting process- (Section 6.1.6.1) Section 5.3.4.2.d (Section 6.1.6.4)	Washington State Department of Fish & Wildlife (WDFW)	<p>(a) WDFW is pleased that there is an outlined meeting process for new ocean use proposals; we would like to see additional language for part of that process.</p> <p>(b) In Section 5.3.4 Development Regulations, 2.d should also include a requirement for a mitigation plan in addition to the construction and operation plans. These types of projects will more than likely include known impacts from the start of the project and the proponent should come prepared with a mitigation plan to offset impacts. This requirement also gives the proponent warning that mitigation will be expected for any anticipated impacts.</p>	<p>(a) The section referencing the meeting process is under Section 6.1.6.1, Additional MSP procedural requirements for new ocean uses proposals.</p> <p>The city adopted the example language for this section verbatim from the Washington State Department of Ecology's (ECY) Ocean Management Provisions.</p> <p>WDFW will need to provide greater detail as to what it means as "additional language." The agency needs to describe the content what that "additional language" should constitute.</p> <p>(b) WDFW is referencing a section number under a previous draft – the comment applies to Section 6.1.6.4 in the current draft.</p> <p>Immediately previous Section 6.1.6.4, Section 6.1.6.3, Effects Analysis, requires an evaluation which includes proposed mitigation measures and best management practices. The effects analysis is comparable to a mitigation plan.</p> <p>No further action taken to address this comment.</p>

**Attachment B: Dept. of Ecology Required and Recommended changes to the draft SMP Amendments**

Attached as separate document.



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

**Adopted April 18, 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

Adopted April 18, 2022

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# Acronyms & Abbreviations

The following acronyms and abbreviations may appear in this 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

# 1.0 Introduction

The Shoreline Master Program\* (SMP\*) for the City of Long Beach, Washington comprises this written document, including the Appendix A, Shoreline Environment Designation Map.

## 1.1 Purpose of Shoreline Planning

The Washington state Shoreline Management Act\* (SMA\*) of 1971, codified at Chapter 90.58 of the Revised Code of Washington\* (RCW\*), 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\* (WAC\*) 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 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 the 2013-2017 comprehensive update process was the city’s existing 1997 SMP. With only one amendment, the 1997 SMP 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 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 A 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 April 18, 2022 by Ordinance 1005.

## 1.7 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.

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<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 the official Shoreline Environment Designations (SED) map, at Appendix A and on file at the office of the city clerk-treasurer. The map identifies 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\* 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 nonfederal entity which develops, owns, leases or administers lands, wetlands or waters that

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<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.

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.
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].
- 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\*—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**

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.

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

This SMP incorporates by reference the Long Beach critical areas regulations adopted via Ordinance No. 985 on October 5, 2020. 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) 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.

#### **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 & 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\*. The majority of the Long Beach Peninsula—including the jurisdictional shorelands\* of the city of Long Beach—is an accreted\* sand bar created primarily from sediments transported by the Columbia River to the Pacific Ocean, then transported northward by longshore\* 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\* behind the foredune\*.

**Seismology.** The Long Beach Peninsula is located approximately 80 miles east of the Cascadia Subduction\* Zone (CSZ\*), a “megathrust” fault\* 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 habitat 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<sup>†</sup> (SSWS<sup>†</sup>) (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 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 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 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 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 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 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 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.

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

*Strategy O1-1:* 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 O1-21:** 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 O1-22:** 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.

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

### 5.1 Designation of Shoreline Environments and Official Map

As established by Section 2.2, 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'.

#### 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
<p>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:</p> <p><b>X = Prohibited    P = Permitted    C= Conditionally permitted    NA = Not applicable</b></p>		
<p>Any proposed use, development, or modification not anticipated on this SMP may, at the city's discretion after review and consideration of available information, be prohibited or permitted via a shoreline CUP.</p>		
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
<b>Beach or dune modification</b>		
Public	P	P
Private	Accessory to a principal use	NA
Boating facilities (except piers/docks see below)	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
<b>Fill and excavation (excludes ocean disposal)</b>		
Fill	P - Accessory to a principal use	NA
Excavation	P - Accessory to a principal use	NA
Habitat or natural systems restoration/enhancement projects <sup>1</sup>	P	P



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

Shoreline Use, Development, or Modification	Conservancy	Aquatic
<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
<b>Mining (excludes ocean mining)</b>		
Sand removal pursuant to RCW 79A.05.630	P	P
Other mining	X	X <sup>2</sup>
<b>Ocean oil &amp; gas use and activities</b>	X	X
<b>Ocean Disposal</b>	X	C
<b>Ocean Mining</b>	X	C
<b>Ocean research</b>		
Ocean research meeting definition of "exploration activity" under WAC 173-15	X	X
All other ocean research	P	P
<b>Ocean salvage</b>		
Emergency ocean salvage	P	P
Non-emergency ocean salvage	C	C
<b>Ocean transportation</b>	X	C
<b>Piers or docks</b>		
Public	X	C
Residential, Commercial, Industrial	X	X
<b>Public safety facilities/activities</b>	P	NA
<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>	X	X
<b>Shoreline stabilization</b>		
New hard	NA	C
New soft	NA	P
Repair and replacement	NA	P
<b>Signage (public information or temporary)</b>	P	P

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

Shoreline Use, Development, or Modification	Conservancy	Aquatic
<b>Transportation and parking</b>		
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.

## 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.

### **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)(I).
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 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.

## 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.

### 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.

### 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.
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. 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.
23. Pin-piles shall be a preferred 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

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).
27. Restoration or enhancement projects shall include maintenance and monitoring for a period determined in the project permit.
28. Restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices.
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

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

#### 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 \$7,047.00 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. 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.
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 \$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 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 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;
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.

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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.



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.

#### **6.1.6 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, 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 ay 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\* and old dune ridge\*, 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.
5. **ILLEGAL USE OR STRUCTURE:** A use established or structure built not in accordance with laws in place at the time. Contrast to “nonconforming.”
6. **IMPLEMENTING STRATEGY:** A course of action taken to achieve a goal. Interchangeable with policy. See “strategy”.
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.
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.
9. **IN-WATER:** Lands located waterward of the ordinary high water mark of the ocean or associated wetlands.
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.

### 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/>)

3. **MAY:** An action that it is acceptable, provided it conforms to the provisions of this SMP.
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.
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.
6. **MINING:** Removal of sand, gravel, soil, minerals, and other earth materials for commercial or other uses.
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.
8. **MUST:** A mandate; a required action. See “shall.”
  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).
  10. **NEARSHORE:** The strip of shallow water in the land immediately adjacent to the shoreline.
  11. **NET PEN:** A system of aquaculture that confines fish or shellfish in a mesh enclosure.
  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.
  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.”
  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.
  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).
  16. **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.
  17. **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.



18. **OCEAN MINING:** Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.
19. **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.
20. **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.
21. **OCEAN RESOURCES MANAGEMENT ACT (ORMA<sup>†</sup>):** 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.
22. **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.
23. **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.
24. **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.
25. **ORDINARY HIGH WATER MARK (OHWM<sup>†</sup>):** 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

26. **PACIFIC FLYWAY:** A major north-south bird migration route for migratory birds in America, extending from Alaska to Patagonia.



27. **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.
28. **PRACTICABLE:** See the definition for feasible.
29. **REACH:** A linear portion of a shoreline.
30. **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.
31. **RESIDENTIAL:** means single-family residences, multifamily development, and the creation of new residential lots through land division.
32. **RESIDUALLY SIGNIFICANT IMPACT:** An environmental impact that, when after all mitigation sequencing<sup>†</sup> (see above) has been applied, remains significant.
33. **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.
34. **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. **SHORELINES 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.
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. 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.

- 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. **SUBSTANTIALLY DEGRADE:** To cause significant environmental/ecological impact.
- 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\*, 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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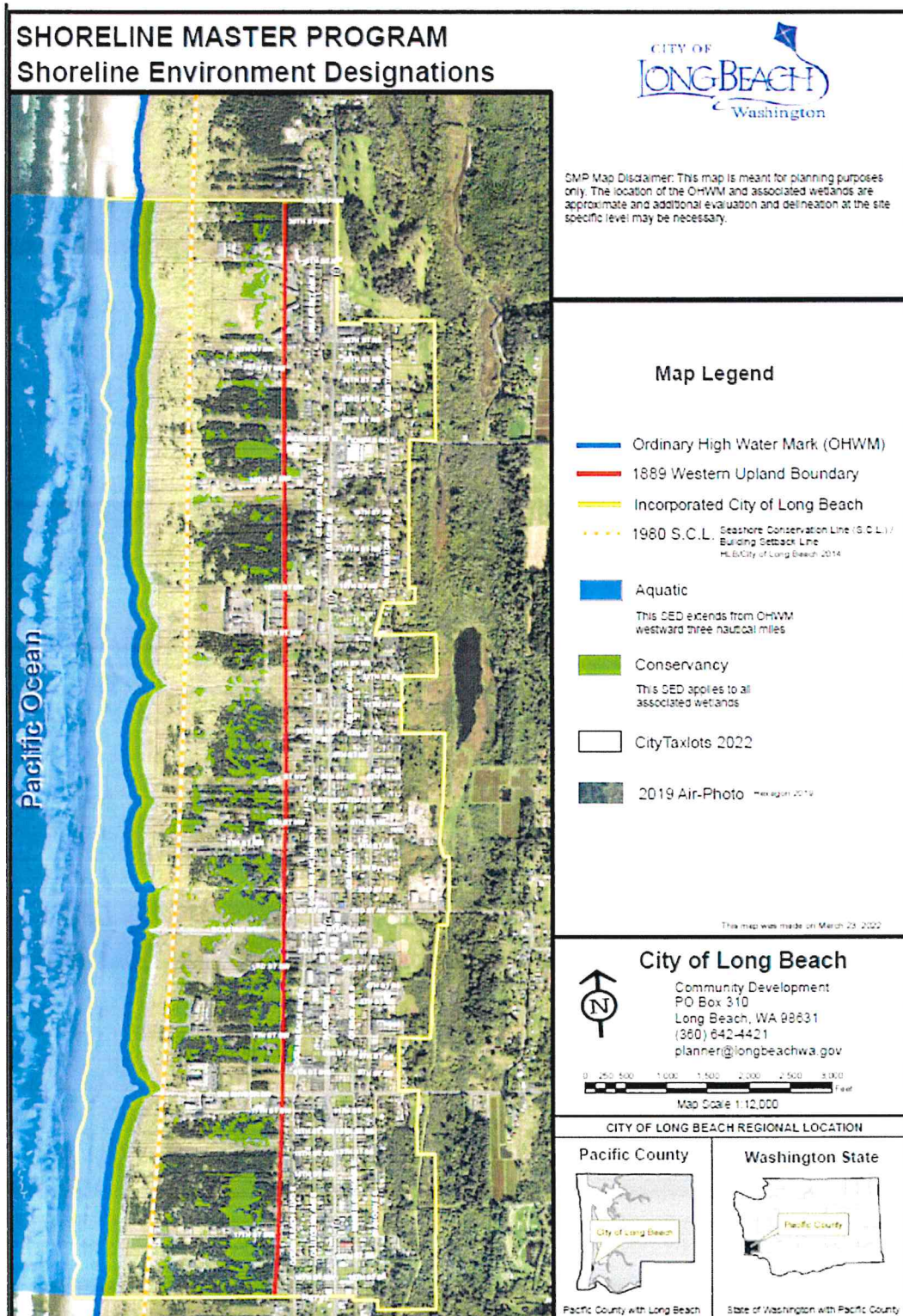
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# Appendix A. Shoreline Environment Designation Map



TAB - E





**CITY COUNCIL  
AGENDA BILL  
AB 22-29**

**Meeting Date: April 18, 2022**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b> Special Use Permit SUP 2022-02 – Sandbar Food Court	<b>Originator:</b>	
	Mayor	
	City Council	
	City Administrator	
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	AS
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
<b>COST:</b> Paid the application fee	Other:	

**SUMMARY STATEMENT:** The families that own Funland have requested a Special Use Permit to own and operate an outdoor food court, with four food trucks. Included with the agenda bill is the application and a draft approval letter. This has been vetted by staff and the city attorney.

**RECOMMENDED ACTION:** *Conditionally Approve SUP 2022-02 with the conditions identified by staff.*



# APPLICATION FOR DEVELOPMENT APPROVAL

Return to Long Beach City Hall, 115 Bolstad Avenue West, PO Box 310, Long Beach, WA 98631

## APPLICATION TYPE (circle those that apply)

Plat: short -- long Boundary Line Adjustment Variance: zoning -- shoreline -- critical areas Binding Site Plan  
 Conditional Use Special Use Shoreline Substantial Development Other \_\_\_\_\_

## APPLICANT INFORMATION

Name Tim Harrell Telephone 360-244-1083  
 Mailing Address 3530 79th LN Fax \_\_\_\_\_  
Long Beach, WA 98631 E-mail harrellTH@hotmail.com

## PROPERTY OWNER INFORMATION (if different)

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ Fax \_\_\_\_\_  
 \_\_\_\_\_ E-mail \_\_\_\_\_

## PROPERTY INFORMATION

Site Address 200 Pacific Ave S Plat Name \_\_\_\_\_  
 Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Lot X Block \_\_\_\_\_ Acres \_\_\_\_\_ Zoning \_\_\_\_\_  
 Lender \_\_\_\_\_ Telephone \_\_\_\_\_  
 Current/Prior Use of Property Empty Lot

## PROJECT INFORMATION

Architect/Designer \_\_\_\_\_ License/Cert \_\_\_\_\_ Telephone \_\_\_\_\_  
 Engineer \_\_\_\_\_ License \_\_\_\_\_ Telephone \_\_\_\_\_  
 Surveyor \_\_\_\_\_ License \_\_\_\_\_ Telephone \_\_\_\_\_

Design Review Required? ☐ Yes (separate application required) ☒ No

SEPA Checklist Required? ☐ Yes (must be submitted w/ application) ☒ No

## Project Type (check or fill in all that apply)

☐ Single Family Residential # of lots \_\_\_\_\_  
☐ Multi-Family Residential # of dwelling units \_\_\_\_\_  
☒ Commercial type for food truck Food Cart building square feet \_\_\_\_\_  
☐ Other Non-Residential type \_\_\_\_\_ building square feet \_\_\_\_\_

Does the proposal create a new tax parcel or divide property ownership? ☐ Yes ☒ No

Is the subject property located within 200 feet of any surface water? ☐ Yes ☒ No

Does the proposal involve or require crossing or filling of any wetland, drainage system, or ditch? ☐ Yes ☒ No

Is the property located in an area subject to flooding? ☐ Yes ☒ No

Are there existing structures or infrastructure or utilities on the property? ☒ Yes ☐ No

Does the proposal require displacement, removal, or placement of materials in excess of 50 cubic yards? ☐ Yes ☒ No

Does the proposal change the existing land use classification of the subject property? ☐ Yes ☒ No

NOTE: The City of Long Beach assumes no responsibility to notify applicants of state or Federal permit requirements. If you believe your project may require a state or Federal permit, relay that information to the Long Beach Community Development Department.

ATTESTATION: I hereby certify that I prepared or directed preparation of this application, and that to the best of my knowledge the information provided is complete, accurate, and a true representation of the proposal. I understand the City of Long Beach relies on the representations made herein in determining whether this application may be approved, and that false, inaccurate (including missing) information may result in severe consequences, including and not limited to the removal at my expense of any site improvement constructed under this application. I further attest that I have legal authority to submit this application, and I agree to comply with any and all conditions of approval related to this development proposal.

APPLICANT SIGNATURE [Signature]

DATE 4/7/22

OWNER SIGNATURE [Signature]

DATE 4/7/22

Office Use Only Received by \_\_\_\_\_  
 Date \_\_\_\_\_

Amount of fee paid \_\_\_\_\_  
 Project No. \_\_\_\_\_





Midway to the  
Sail Bar

1/10/10



## ***THE SANDBAR FOOD COURT***

**Proposal:** Creating a Food court that will enhance the downtown economy, aesthetically improve the visual of a bare lot, and help improve the ability to feed our tourists and locals. This addition will add life to a Veterans Field providing an overflow for families and children to sit and relax, eat, and recharge. A combination of the food court and veterans field has the potential to make this empty lot the most popular lot in Long Beach

**Lot Improvements:** Depending on the time frame we would like to pave the lot and possibly the alleyway between Funland and Veterans Field. We will provide seating, tables, decorative plants, inconspicuous garbage containers, and overhead lamp lights to brighten up an empty downtown lot. A mural added to the southside of the Funland Building. Revised power service and other required utilities.

**Food Trailers:** At this time we would like to add four food trucks to this lot. We will own and operate the food trucks, thus allowing us to dictate what food options are available so we can add to the options for people. Trailers will be attractive, clean, and decorated to make them look as if they were a permanent fixture. They will follow the beach theme the City of Long Beach has promoted the past 25 years.



Post Office Box 310  
115 Bolstad Avenue West  
Long Beach, WA 98631  
**Telephone: 360-642-4421**  
fax: 360-642-8841  
[planner@longbeachwa.gov](mailto:planner@longbeachwa.gov)

---

April 19, 2022

Sandbar Food Court  
Tim & Erin Harrell  
3550 79<sup>th</sup> Lane  
Long Beach, Washington 98631

**RE: Case No. SUP 2022-02, Special Use Permit  
Own and Operate an Outdoor Food Court – 200 Pacific Ave S in the OT-Old Town  
Zone**

Mr. & Mrs. Harrell,

At its regularly scheduled April 18, 2022 meeting, the Long Beach City Council heard and **CONDITIONALLY APPROVED** your request to operate an outdoor food court at 200 Pacific Ave S; to include four food trucks owned and operated by the applicant.

The City's approval is subject to the following conditions, which are **mandatory requirements**. If you do not comply with these conditions, the City will rescind your approval and you will have to immediately stop sales and, remove the mobile food vendors from the property. This property is approximately 5,000 square feet and all commercial activity must remain on private property.

1. There must be trash receptacles near all trucks, the trash must be emptied regularly. As depicted in the diagram six large garbage cans is acceptable.
2. A minimum of six picnic tables must be provided for guest seating.
3. Utilities, screening, fencing, signage, lighting, and landscaping are all subject to ongoing review and approval by City staff. The following are minimum requirements.

All sides of the vehicle must have screening. The non-customer side must be screened from residential view. The use of arborvitae for screening is acceptable. The city promotes use of planters throughout the court. Each truck should have a minimum of two planters, the use of lattice is also encouraged. The combination of fencing and vegetation is also acceptable; any fencing must go through design review.

The trucks must have water, sewer, and power. The water and sewer connections will be charged as unit rates to the existing business (Funland). The connections needed will meet the same requirements that the city holds RV hook-ups to. The power must be installed underground.

Any signage will be subject to design review. No signage is allowed on public sidewalks.

● Page 2

All lighting must face down towards the court and not act as a distraction to drivers. No flashing or moving lighting is permitted. The lantern lights as shown on the application is preferred.

4. This permit is valid for one year from the date of operation; you must notify the city the first date of operation.
5. Once the permit expires, you will have to comply with current Code.
6. The City Council can also extend the permit for one additional year if the code is not adopted during that time.
7. The trucks must meet Pacific County Health codes and inspection, L&I and ADA requirements.

Congratulations on your approval and thank you for your continued commitment to Long Beach.

Sincerely,

Ariel Smith  
Director, Community Development



TAB — F



**CITY COUNCIL  
AGENDA BILL  
AB 22-30**

**Meeting Date: April 18, 2022**

**AGENDA ITEM INFORMATION**

**SUBJECT:** Special Use  
Permit SUP 2022-03

*Originator:*

Mayor

City Council

City Administrator

City Attorney

City Clerk

City Engineer

Community Development Director

AS

Fire Chief

Police Chief

Streets/Parks/Drainage Supervisor

Water/Wastewater Supervisor

Other:

**COST:** Paid the application  
fee

**SUMMARY STATEMENT:** Mark Oman requests a Special Use Permit to operate a fireworks store for the 4th of July. This is Mr. Oman's fourth year applying for this permit. This permit has been approved in prior years with the following conditions:

1. Keep and leave the site clean.
2. Your sales area and signage must be placed so as not to interfere with safe vehicle traffic the line-of-sight at the corner of 7<sup>th</sup> Street Southeast and Pacific Highway North as well as 7<sup>th</sup> Street Southeast and Oregon Ave S. Nothing taller than 42" may be located within 20 feet of the property corner.

This is the second fireworks store request of 2022.

**RECOMMENDED ACTION:** *Conditionally Approve SUP 2022-03 with the conditions identified by staff.*



Post Office Box 310  
115 Bolstad Avenue West  
Long Beach, WA 98631  
Telephone: 360-642-4421  
fax: 360-642-8841  
[planner@longbeachwa.gov](mailto:planner@longbeachwa.gov)

April 19, 2022

Mark Oman  
Kaboom Fireworks  
PO Box 710  
Long Beach, WA 98631

**RE: Case No. SEP 2022-03, Special Event Permit  
Fireworks Sales at 101 7<sup>th</sup> ST SE in the OT- Old Town Zone**

Mr. Oman,

Your request to sell fireworks in an outdoor setting for the 4<sup>th</sup> of July has been conditionally approved. Sales are allowed June 28<sup>th</sup> through July 5<sup>th</sup> pursuant to RCW 70.77.395.

The City's approval is subject to the following conditions, which are mandatory requirements. If you do not comply with these conditions, the City will rescind your approval and you will have to stop sales:

1. Keep and leave the site clean.
2. Your sales area and signage must be placed so as not to interfere with safe vehicle traffic the line-of-sight at the corner of 7<sup>th</sup> ST SE and Pacific Highway. Nothing taller than 42" may be located within 20 feet of the property corner.

Congratulations on your approval and thank you for your continued commitment to Long Beach.

Sincerely,

Ariel Smith  
Director, Community Development





# APPLICATION FOR DEVELOPMENT APPROVAL

Return to Long Beach City Hall, 115 Bolstad Avenue West, PO Box 310, Long Beach, WA 98631

## APPLICATION TYPE (circle those that apply)

Plat: short -- long

Boundary Line Adjustment

Conditional Use

Special Use

Variance: zoning -- shoreline -- critical areas

Shoreline Substantial Development

Binding Site Plan

Other \_\_\_\_\_

## APPLICANT INFORMATION

Name Mark Oman (Kaboom Fireworks LLC)

Mailing Address PO Box 710

Long Beach, WA 98631

Telephone 360 244 5284

Fax \_\_\_\_\_

E-mail markoman47@yahoo.com

## PROPERTY OWNER INFORMATION (if different)

Name Coastal Tuna LLC

Mailing Address 1101 16th Ave

Long Beach, WA 98631

Telephone 360-214-1472

Fax \_\_\_\_\_

E-mail mark@Frank.Adel.com

## PROPERTY INFORMATION

Site Address 101 7th St SE

Plat Name \_\_\_\_\_

Section \_\_\_\_\_

Township \_\_\_\_\_

Range \_\_\_\_\_

Lot \_\_\_\_\_

Block \_\_\_\_\_

Acres \_\_\_\_\_

Zoning \_\_\_\_\_

Lender \_\_\_\_\_

Current/Prior Use of Property Vacant

Telephone \_\_\_\_\_

## PROJECT INFORMATION

Architect/Designer \_\_\_\_\_

License/Cert \_\_\_\_\_

Telephone \_\_\_\_\_

Engineer \_\_\_\_\_

License \_\_\_\_\_

Telephone \_\_\_\_\_

Surveyor \_\_\_\_\_

License \_\_\_\_\_

Telephone \_\_\_\_\_

Design Review Required?

☐

Yes (separate application required)

☐

No

SEPA Checklist Required?

☐

Yes (must be submitted w/ application)

☐

No

Project Type (check or fill in all that apply)

☐ Single Family Residential

# of lots \_\_\_\_\_

☐ Multi-Family Residential

# of dwelling units \_\_\_\_\_

☐ Commercial

type \_\_\_\_\_

building square feet \_\_\_\_\_

☐ Other Non-Residential

type \_\_\_\_\_

building square feet \_\_\_\_\_

Does the proposal create a new tax parcel or divide property ownership? \_\_\_\_\_

☐

Yes

☒

No

Is the subject property located within 200 feet of any surface water? \_\_\_\_\_

☐

Yes

☒

No

Does the proposal involve or require crossing or filling of any wetland, drainage system, or ditch? \_\_\_\_\_

☐

Yes

☒

No

Is the property located in an area subject to flooding? \_\_\_\_\_

☐

Yes

☒

No

Are there existing structures or infrastructure or utilities on the property? \_\_\_\_\_

☐

Yes

☒

No

Does the proposal require displacement, removal, or placement of materials in excess of 50 cubic yards? \_\_\_\_\_

☐

Yes

☒

No

Does the proposal change the existing land use classification of the subject property? \_\_\_\_\_

☐

Yes

☒

No

NOTE: The City of Long Beach assumes no responsibility to notify applicants of state or Federal permit requirements. If you believe your project may require a state or Federal permit, relay that information to the Long Beach Community Development Department.

ATTESTATION: I hereby certify that I prepared or directed preparation of this application, and that to the best of my knowledge the information provided is complete, accurate, and a true representation of the proposal. I understand the City of Long Beach relies on the representations made herein in determining whether this application may be approved, and that false, inaccurate (including missing) information may result in severe consequences, including and not limited to the removal at my expense of any site improvement constructed under this application. I further attest that I have legal authority to submit this application, and I agree to comply with any and all conditions of approval related to this development proposal.

APPLICANT SIGNATURE Mark Oman

DATE 4/4/22

OWNER SIGNATURE Mark Oman

DATE 4/5/22

Office Use Only

Received by \_\_\_\_\_

Date \_\_\_\_\_

Amount of fee paid \_\_\_\_\_

Project No. \_\_\_\_\_



TAB — G



# *Long Beach Police*

P.O. Box 795  
Long Beach, WA 98631

Phone 360-642-2911  
Fax 360-642-5273

04-01-22

Page 1 of 2

To: Mayor Phillips and Long Beach City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for March 2022

During the month of March the Long Beach Police Department handled the following cases and calls:

## Long Beach

422 Total Incidents  
Aid Call Assists: 1  
Alarms: 3  
Animal Complaints: 4  
Assaults: 9  
Assists: 84  
(Includes 11 PCSO, 2 WSP And 1 Other Agency Assists Outside City Boundaries)  
Burglaries: 0  
Disturbance: 11  
Drug Inv.: 1  
Fire Call Assists: 2  
Follow Up: 77  
Found/Lost Property: 7  
Harassment: 5  
Malicious Mischief: 1  
MIP – Alcohol: 0  
MIP – Tobacco: 0  
Missing Persons: 1  
Prowler: 8  
Runaway: 0  
Security Checks: 106  
Suspicious: 22  
Thefts: 10  
Traffic Accidents: 7  
Traffic Complaints: 10  
Traffic Tickets: 15  
Traffic Warnings: 13  
Trespass: 5  
Warrant Contacts: 4  
Welfare Checks: 16

## Ilwaco (Includes 23 Calls At Port)

238 Total Incidents  
Aid Call Assists: 0  
Alarms: 7  
Animal Complaints: 3  
Assaults: 4  
Assists: 31  
Burglaries: 1  
Disturbance: 6  
Drug Inv.: 5  
Fire Call Assists: 0  
Follow Up: 48  
Found/Lost Property: 2  
Harassment: 4  
Malicious Mischief: 0  
MIP – Alcohol: 0  
MIP – Tobacco: 0  
Missing Persons: 0  
Prowler: 1  
Runaway: 0  
Security Checks: 76  
Suspicious: 16  
Thefts: 3  
Traffic Accidents: 0  
Traffic Complaints: 7  
Traffic Tickets: 2  
Traffic Warnings: 5  
Trespass: 8  
Warrant Contacts: 4  
Welfare Checks: 5


Officer Jeff Cutting attended training March 7<sup>th</sup>-11<sup>th</sup>. The course was an armorer's course. It provided Jeff with the needed knowledge to repair and maintain our department shotguns, AR15's and M4's and also a 700 Remington Rifle.

I met with the Pacific County Recovery Navigator Policy coordinating group on the 7<sup>th</sup>. This is a state mandated policy group that deals with trying to implement "LEAD". That stands for "Law Enforcement Assisted Diversion". The idea is to get low level drug offenders into treatment instead of jail. To be honest when the legislature made possession of drugs such as meth, heroin and cocaine just misdemeanors they took the whole incentive out of doing this kind of thing. However the State of Washington still mandates that we try.

I sat in on an oral board for a sergeant's position and for a dispatcher position for Pacific County on the 11<sup>th</sup>.

The department had firearms training on the 17<sup>th</sup>. The department trained in shotguns and patrol rifles.

On March 21<sup>st</sup> the department had defensive tactics training. The department also had training in the use of "The WRAP". This is a new tool for us that is used to safely restrain a subject who is actively resisting transport to the jail. The WRAP is designed to restrain a person in a safe manner so that officers do not have to stay on top of a suspect. If interested you can go to [saferestrains.com](http://saferestrains.com) and see exactly what this is.

  
\_\_\_\_\_  
Flint R. Wright  
Chief of Police