

Shoreline Master Program



Shoreline Master Program Update 🌊 City of Long Beach 🌊 April 2015

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environmental protection 🌊 public access 🌊 shoreline development

Draft Shoreline Master Program

City of Long Beach



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Appendices

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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 Φ symbol.

BAS: best available science

CAA: Clean Air Act

CFR: Code of Federal Regulations

cfs: cubic feet per second

CO₂: carbon dioxide

Corps: United States Army Corps of Engineers

CSZ: Cascadia Subduction Zone

CUP: conditional use permit

CWA: Clean Water Act

CZMA: Coastal Zone Management Act

CZMP: Coastal Zone Management Program

DFW: Washington State Department of Fish & Wildlife

DNR: Washington State Department of Natural Resources

Ecology: Washington State Department of Ecology

EPA: United States Environmental Protection Agency

ESA: Endangered Species Act

FRHA: Federal Rivers and Harbors Act of 1899

g: Ground acceleration due to gravity

GMA: Washington State Growth Management Act

km: kilometer

MHW or MHT: Mean High Water or Mean High Tide

MBTA: Migratory Bird Treaty Act

MRC: (The Pacific County) Marine Resource Council

NAVD88: North American Vertical Datum of 1988

NEPA: National Environmental Policy Act

NGVD29: National Geodetic Vertical Datum of 1929

NOAA: United States National Oceanic and Atmospheric Administration

NPDES: National Pollutant Discharge Elimination System

NWI: National Wetland Inventory

OFM: Washington State Department of Financial Management

OHWM: Ordinary high water mark

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

SR: State Route

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

WRIA: Water Resources Inventory Area



Glossary/Definitions

The following terms 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.

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.

ACCRETION: A gradual process in which layers of a material are formed as small amounts are added over time.

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[†]).

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.

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).

BLOW OUT: Sandy depressions in a dune system caused by the removal of sediments by wind.

CONTINENTAL SHELF: An underwater landmass which extends from a continent, resulting in an area of relatively shallow water.

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.

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, SUBSTANTIAL: Any development[†] of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007.

DUNE RIDGE: The historic foredune, there are parallel rows of dune ridges on the Long Beach Peninsula, with deflation plains[†] between them. Also called a “sand ridge.”

ECOLOGICALLY INTACT: As relates to shorelines and as used in WAC 176-26-211, those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies.

FAN VALLEY: Underwater geological structures associated with large-scale sediment deposition and formed by turbidity currents.

FLOODWAY: The area, as identified in a master program, that either:

1. Has been established in federal emergency management agency flood insurance rate maps or floodway maps, or
2. Those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually.

FOREDUNE: The large, currently developing primary dune, closest to the ocean.

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].

GOAL: A desired result. See related “implementing strategy.”

ILLEGAL USE OR STRUCTURE: A use established or structure built not in accordance with laws in place at the time. Contrast to “nonconforming.”

IMPLEMENTING STRATEGY: A course of action taken to achieve a goal. Similar to a policy.

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.

LITTORAL CELL: A complete cycle of ocean sedimentation including sources, transport paths, and sinks.

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.

(M): A measurement of the size, or magnitude of an earthquake; an estimate of the energy released during a seismic event.

MARINE ENVIRONMENT:

BENTHIC: The ocean bottom, comprising the gently sloping continental shelf 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.

PELAGIC: The open waters of the ocean, comprising the neritic waters over the continental shelf, and oceanic waters over the slope face and depths.

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.

MEGATHRUST FAULT: The boundary (fault) between a subducting[†] and an overriding plate. A megathrust earthquake is produced by a sudden slip along this boundary.

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:

1. Avoid impacts 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 for any of these five approaches
6. Monitor impacts, mitigation, and compensatory mitigation projects, taking appropriate corrective measures.

NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29[†]): 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).

NONCONFORMING USE OR STRUCTURE: A use established or structure built according to laws in place at the time, but not in compliance with current law. The law has changed in a manner that make the use or structure no longer complaint. A “grandfathered” used or structure.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88[†]): 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).

ORDINARY HIGH WATER MARK (OHWM[†]): On lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

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

RESIDUALLY SIGNIFICANT IMPACT: An environmental impact that, when after all mitigation sequencing[†] (see above) has been applied, remains significant.

REVISED CODE OF WASHINGTON (RCW[†]): 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.

SAND HUMMOCK: Small wind-created dunes or humps formed by sand deposition in and around pioneer plants.

SEASHORE CONSERVATION AREA (SCA[†]): 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.

SEASHORE CONSERVATION LINE (SCL[†]): 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. 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.

SHORELANDS: those lands extending landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM)

SHORELINE ENVIRONMENT DESIGNATION (SED[†]): 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.

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.”

SHORELINE MASTER PROGRAM (SMP[†]): 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.

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.

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; 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.

STAKEHOLDER: A party or entity (person, organization, group, etc.) who has an interest in the SMP update.

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.

SUBMARINE CANYON: A steep-sided valley cut into the sea floor of the continental slope, sometimes extending well onto the continental shelf.

SUBSTANTIVE CHANGES: Changes that materially alter a project in a manner that relates to its conformance to the terms and conditions of the permit, this SMP, or the SMA.

SWALE: A low place, especially a marshy depression between ridges.

TAKE (as has meaning under the ESA[†]): To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

VISIONING: A community exercise whereby stakeholders[†] express how they envision the future. Visioning can identify common goals community members can collectively attempt to achieve.

WASHINGTON ADMINISTRATIVE CODE (WAC[†]): 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.

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.

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.

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.

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.

WETLAND(S): For regulatory purposes under the Clean Water Act, the term wetlands means those areas inundated or saturated by surface or groundwater 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. (From EPA Regulations at 40 CFR 230.3(t))

According to Cowardin, wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. (Cowardin, December 1979)

According to WAC 173-22-030, "Wetlands" or "wetland areas" means areas that are 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.



1.0 Introduction

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[†]) 173-27-260.

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 shoreline of the state. 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 Shoreline Master Programs[†] (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 is on protecting shoreline functions and values[†] 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 environmental resources consistent with the city’s comprehensive plan, as well as its zoning, building, unified development, and critical areas regulations.
3. Promote the public health, safety, and welfare by providing in this SMP a clear guide and regulation for future development of the shoreline of the city of Long Beach.

1.5 How this 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[†]). The basic foundation of this process is the city’s existing 1997 SMP. With only one amendment, the 1997 SMP has operated much the same for the past 18 years. Goals, policies, regulations, and development standards from that SMP that are still relevant today were considered for inclusion to this SMP.

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

1.4.1 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.

1.4.2 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[†] 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.

1.4.3 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 effort, citizen input, and resulting goals and strategies in a Community Visioning Report.

1.4.4 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[†] (SED[†]), 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, including use, environmental protection, public access, and shoreline development policies and strategies.

1.4.5 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.

1.4.6 SMP

This SMP includes information, data, analyses, goals[†], and implementing strategies[†] from all previous efforts.

1.4.7 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 SED system, as well as restoration of shoreline functions and values 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.

1.5 Best Available Science

Pursuant to RCW 36.70A.172, a city is required to include the best available science[†] (BAS[†]) in developing policies and development regulations to protect functions and values of critical areas. This would include the associated wetlands of the Long Beach jurisdictional shoreline.

According to WAC 365-195-900, BAS must be the product of a valid scientific process, the minimum characteristics of which are as follows:

1. **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.
2. **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.
3. **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.
4. **Quantitative analysis.** The data have been analyzed using appropriate statistical or quantitative methods.
5. **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.
6. **References.** The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

1.6 How the City and Public Can Use this SMP

1.6.1 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 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.

1.6.2 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.

1.7 Amendments or Updates to this SMP

Pursuant to RCW 90.58.080, following approval of the city's SMP by Ecology, the city is required to review and update its SMP once every eight (8) years thereafter. A limited amendment—drawn narrowly for a specific purpose—of a locally adopted/state approved SMP may occur pursuant to WAC 173-26-201(1)(c) as follows:

1. Limited master program amendments may be approved by the department provided the department concludes the amendment is necessary to:
 - 1.1 Comply with state and federal laws and implementing rules applicable to shorelines of the state within the local government jurisdiction;
 - 1.2 Include a newly annexed shoreline of the state within the local government jurisdiction;
 - 1.3 Address the results of the periodic master program review required by RCW 90.58.080(4), following a comprehensive master program update;
 - 1.4 Improve consistency with the act's goals and policies and its implementing rules; or
 - 1.5 Correct errors or omissions.
2. The local government is not currently conducting a comprehensive shoreline master program update designed to meet the requirements of RCW 90.58.080, unless the limited amendment is vital to the public interest;
3. The proposed amendment will not foster uncoordinated and piecemeal development of the state's shorelines;
4. The amendment is consistent with all applicable policies and standards of the act;
5. All procedural rule requirements for public notice and consultation have been satisfied; and
6. Master program guidelines analytical requirements and substantive standards have been satisfied, where they reasonably apply to the limited amendment. All master program amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions.



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, regulations, and development standards intended to result in no net loss of shoreline functions and values.

2.2 Jurisdiction

The geographical extent of shoreline jurisdiction under this SMP includes a small portion of the Pacific Ocean and the ocean beach, shorelands[†], and associated interdunal wetlands[†]. 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[†] (OHWM[†]) to 200 feet east of the OHWM, plus those interdunal wetlands located west of the 1889 Government Meander Line[†]. 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.

Within this shoreline jurisdiction geography, the city has both planning and regulatory authority. It has planning authority for its entire shoreline jurisdiction, and regulatory authority for that portion of shoreline jurisdiction located within city limits.

2.3 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. On the other hand, exemptions from the SMA or this SMP will be narrowly construed.

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 provisions and development regulations of this SMP, even though a permit may not be required pursuant to state or federal permit requirements.

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

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 fall under the jurisdiction of the SMA, except for the right(s) of any person that is/are established by treaty to which the United States is a party. Applicability of this SMP to federal lands and agencies will be consistent with WAC 173-27-060 as it currently exists or is amended.

2.4.3 Permits

Any entity wishing to undertake activities constituting development within shoreline jurisdictions shall apply to the Community Development Director for a Shoreline Permit. Based on provisions of this SMP, the Director will determine if a Letter of Exemption, a Shoreline Substantial Development Permit[†] (SSDP[†]), a Shoreline Conditional Use Permit (CUP[†]), 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.

2.4.4 Letter of Exemption

Development exempt from a SSDP—defined in Section 6.1 of this SMP—require 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.

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, this SMP and uses, development, and activities regulated by this SMP must be consistent with local plans and policy documents, specifically, the city’s comprehensive plan as well as its critical areas regulations. The SMP must also be consistent with zoning, unified development, and building regulations.

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, and other provisions of local, state and federal laws, as may be amended. Project proponents must comply with all applicable laws prior to commencing any use, development, or activity.

2.5.3 Severability

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.



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3.0 Summary: Inventory and Characterization of the Long Beach Shoreline

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

3.1 Physical

3.1.1 Geology, Soils, Groundwater, Seismology

Geology

The ocean beach of Long Beach is located in the Long Beach sub-cell of the Columbia River littoral cell[†]. 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 from the mouth of the Columbia 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.

Basal bedrock outcrops at the southern end of the peninsula, and the accreted sediments thicken south to north as the underlying bedrock dips away from its southern outcropping. Accretions toward the north end of the peninsula are as thick as 1,400 feet.

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, including—from west to east—moderately wide and continuous north-south bands of beach and dune lands; a wide continuous band of Westport fine sand; alternating discontinuous narrow bands of Netarts fine sand and Yaquina loamy fine sand; and a narrow discontinuous band of Seastrand mucky peat along the eastern limit of the city. (Slaughter, et al, 2013) The Netarts and Westport sands were formed on dune ridges. The Yaquina loamy sand and Seastrand mucky peat were formed in swales[†] or deflation plains[†] between the dunes. (Blakemore, 1995)

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 groundwater divide is located on the west side of the Peninsula near and parallel to Washington Avenue, and most groundwater underlying the Peninsula flows toward Willapa Bay.

The most prominent groundwater features in the dune area are interdunal wetlands located in the deflation plain behind the foredune. Natural interdunal wetlands are fairly shallow, and their formation is influenced by shallow groundwater at approximately the 14 foot elevation National Geodetic Vertical Datum of 1929[†] (NGVD29[†]) or its equivalent of 18.3 feet North American Vertical Datum of 1988[†] (NAVD88[†]).

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.

A megathrust event is a very large earthquake along a subduction zone. Thirteen (13) megathrust events have been identified along the CSZ in the past 6,000 years. While the occurrence of these events averages one every 500 to 600 years, they have occurred as frequently as 200 years apart or as infrequently as 800 years, and there is no predictable interval. (Natural Resources Canada at www.earthquakescanada.nrcan.gc.ca) The last CSZ megathrust event occurred just over 300 years ago on January 26, 1700. 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 subsided (dropped in elevation) approximately six feet. (Atwater et al, 2005)

3.1.2 Topography and Surface Water

Topography, Terrestrial

The Long Beach Peninsula exhibits long and low parallel north-south dune ridges interspersed with shallow vales. The following dune forms are found in this landscape: foredune[†], deflation plain[†], sand hummock[†], blowout[†], dune ridge[†], and swale[†]. (Wiedemann, 1984)

Describing the topography, from west to east, first there is a broad, sandy, and gradually sloping ocean beach, which serves as the transition between land and ocean environments. The foredune is a ridge of sand parallel to the ocean beach and located just above the limit of ordinary wave action. As beach grass grows, additional sand is trapped, and the dune increases in height and width. Behind the foredune is a low-lying deflation plain where interdunal wetlands form at surface elevations of 14 feet NGVD29 or lower. The formation of these wetlands depends on the presence of shallow groundwater. Also in the deflation plain are hummocks—mounds of sand formed by vegetation-trapped sand—and blowouts—unvegetated areas where wind erosion forms either bowls or troughs. To the east of the deflation plain is the preceding historic

foredune, or a dune ridge. The foredune, deflation plain, and dune ridge together comprise the city's dune area, or dune complex, an area averaging about 2,000 feet in width.

Topography, Marine

The ocean floor from the shore outward to approximately seven (7) miles is considered the inner (nearshore-shallow) continental shelf[†] 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[†] upper continental slope with depths of 656 to 2,297 feet, and finally is the bathybenthal[†] 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, Terrestrial

Long Beach is located within the Willapa Watershed, also termed Water Resources Inventory Area (WRIA[†]) No. 24. While numerous natural watercourses traverse WRIA 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 11th Street Southwest, 3rd Street Northwest, between 6th and 7th Streets Northwest, and at 12th Street Northwest.

Under section 303(d) of the Clean Water Act, states, territories, and authorized tribes are required to develop lists of waters too polluted or otherwise degraded to meet the water quality standards set by states, territories, or authorized tribes. Currently, there are no identified 303(d) terrestrial surface water bodies in Long Beach or located near enough to the city to be affected by activities in the shoreline area. (Ecology, 2014)

Surface Water, Marine

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. Upwelling potential immediately offshore is considered low with a band of high upwelling potential slightly further offshore. (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 Biology: Key Habitats and Species

Ocean

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

Fish. The ocean provides near-shore habitat supporting commercial and recreational Dungeness crab ocean fishing as well as recreational salmon and green sturgeon ocean fishing. Just beyond three (3) miles, the marine habit supports commercial ground and Pacific whiting fishing, as well as recreational sardine, bottom fish, and ling cod fishing. Further yet offshore, are recreational halibut and albacore fishing as well as commercial pink shrimp fishing. (Washington Marine Spatial Planning, 2014)

In addition to these commercially fished species, ocean waters provide habitat for many other species of fish. While Long Beach has no natural rivers or streams that provide fish habitat, the ocean water offshore provide habitat for anadromous fish that migrate up and spawn in nearby rivers and streams. (Ecology, 2008)

Birds. The western half of the state of Washington, including the Long Beach jurisdictional shoreline, is located along the Pacific Flyway[†]. 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 occurring in 2011 and 2012 observe higher concentrations of sea/water birds in winter than summer or fall.

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. In recent years, the Long Beach Peninsula has been one of the most prolific recreational Pacific razor clamming locations in Washington and Oregon. Recreational clamming is a substantial contributor to the local economy.

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. Two observations of a green sea turtle (*Chelonia mydas*) were made on the same day in 1999 near the city's main beach approach. (Washington Department of Fish & Wildlife, 2014) In December of 2009, a green sea turtle was rescued from the ocean beach near Long Beach. (www.beachconnection.net, 2009) During winter of 2014-15, two sea turtles washed ashore on the Long Beach Peninsula, but not in the Long Beach jurisdictional shoreline; both were endangered olive ridley turtles. These

species is normally found in tropical or sub-tropical waters, so those found in opr near Long Beach are well outside their normal range, and these incidents are isolated.

Dune Complex

Wetlands. Wetlands perform many functions, including the following:

1. Purify water and improve water quality;
2. Control stormwater and provide flood protection;
3. Stabilize shoreline and dune areas;
4. Recharge groundwater;
5. Provide valuable habitat for fish and wildlife; and
6. Provide low-impact recreational and aesthetic (wildlife and nature viewing) opportunities.

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 funding limitations and the ephemeral nature of some young, shallow interdunal wetlands make it uncertain where wetlands may be located at the time development is proposed and possible impacts to wetlands may occur.

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. That is not to say no other plants exist in the dune area, and other species occurring there include American dune grass (*Leymus mollis*, a native species), coastal strawberry (*Fragaria chileonsis*), seashore lupine (*Lupinus littoralis*), searocket (*Cakile edentula*), beach pea (*Lathyrus japonicas*), 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*).

The dune complex is peppered with relatively young interdunal wetlands, and these wetlands have a different vegetation regime than the dryer areas of the dune. 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 involucrate*). (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. Both deer and bear are accustomed to human presence. In recent years, incidents involving habituated black bear in near-dune residential and commercial districts of Long Beach have noticeably increased. Incidents of bears “raiding” garbage cans and dragging their plunder to nearby dunal forests occurs several times a week.

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 the 1980 SCL relative to the OHWM varies between 400 to 700 feet, 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, land-based 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.

Land uses reflect the recreation-based purpose of Long Beach. It is a place where people come to play, and there are many recreational amenities of a wide variety located in Long Beach. These amenities are both passive and active and provide a rich and varied recreational experience.

Shoreline Conservancy Lands. All lands located west of the 1980 SCL and any lands under the authority of the state located west of the 1889 Government Meander Line as well as certain lands controlled by the city and located west of that line are considered Shoreline Conservancy lands. 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 5th Street Southwest and 4th Street Northwest (about 66 acres), and between 8th Street Northwest and 14th Street Northwest (about 73 acres). Shoreline Conservancy lands are not subject to private development, and their use by the state or city is for dune/open space preservation, public beach access, view corridors, comfort stations, and for recreational uses. To date, development in Shoreline Conservancy has been limited to the Discovery Trail, beach access, the boardwalk, two public restrooms, a public beach pavilion, beach approaches, parking, and stormwater outfalls. In addition, festivals are held on these lands.

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. These two beach access points are identified along SR103 only, by fairly nondescript brown signs. The city engaged with the Chinook Nation on 2011 to instigate a more distinctive signage program using the unique and visually striking Chinook

Nation red/black/white symbol of a salmon to identify not only beach access, but other recreation and interpretive facilities. This is an ongoing project.

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.



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4.0 SMP Elements: Overall Goals and Strategies

Pursuant to RCW 90.58.100 (2), an SMP should include, where they are 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 section. For each element are presented goals and implementing strategies that would apply to all shoreline environment designations (SEDs), as well as to any associated wetlands; goals and strategies that apply to a specific SED are found in Chapter 5 of this SMP.

In developing the overall goals and strategies presented in this chapter, the city recognizes that all of its jurisdictional shoreline waterward of the OHWM is designated a Shoreline of Statewide Significance[†] (SSWS[†]) (RCW 90.58.030 (2)(f)(i)). As a SSWS the Long beach shoreline is of value to the entire state and in developing this SMP the city is required to give ordered preference to uses that:

1. Recognize and protect the statewide interest over local interest;
2. Preserve and enhance the natural character of the shoreline;
3. Result in long-term over short-term benefit;
4. Protect the resources and ecology of Puget Sound 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.

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: Before new commercial nonwater-oriented development is permitted within shoreline jurisdiction, the proponent must demonstrate that upland areas are not feasible for the intended economic activity.

Strategy ED1-5: 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 otherwise interfere with commercial or charter fishing.

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: Prohibit the use of ATVs/ORVs in the dune and on the beach; prohibit driving any non-emergency vehicle in the dune except for limited property maintenance activities.

Strategy PA1-6: Maintain visual access to the ocean and ocean beach from the boardwalk, grooming 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 Wildlife Refuge to build the Cross-Peninsula Trail, linking the Pacific Ocean to Willapa Bay.

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, 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 and activities do not adversely affect shoreline functions and values, and are compatible with the natural integrity and character of the current beach and dune complex.

Strategy R3-4: Incorporate public 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 other public 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.

Goal SU2: Establish and implement strategies and regulations for land uses consistent with the requirements of the SMA, the Shoreline Guidelines, and the Washington State Growth Management Act[†] (GMA[†]), 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 to shoreline functions and values.

Strategy SU2-1: Protect existing shoreline and water views; 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 and values.

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

4.6 The Environment

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

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 other 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.

4.6.1 Critical Areas

Goal E2: Protect all critical areas to the extent feasible relative to new development, redevelopment, or property maintenance.

Strategy E2-1: Incorporate into this SMP the Long Beach critical areas regulations, as codified in Chapter 13 of the Long Beach city code and adopted via Ordinance No. 857 on August 2, 2010 and as amended by Ordinance No. 892, adopted March 18, 2013. If provisions of the critical areas regulations and the SMP conflict, the provisions most protective of shoreline functions and values shall prevail, as determined by the city.

Strategy E2-2: Emphasize impact avoidance of critical areas and their buffers.

Strategy E2-3: Encourage restoration and enhancement of degraded critical areas as part of new development or redevelopment.

Strategy E2-4: When addressing issues related to critical areas, make decisions based on best available science[†] (BAS[†]).

Strategy E2-4: Pursuant to the City's Critical Areas 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 E3: Restore hydraulic connectivity to functionally isolated wetlands.

Strategy E3-1: Require restoration as part of development approval as opportunities arise.

Strategy E3-2: Require culverts in all new roads where culverts would retain or restore hydraulic connectivity.

Strategy E3-3: 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.

4.6.2 Vegetation Management

Goal E4: Where economically feasible, gradually work toward eliminating invasive and managing nuisance species and increasing biological diversity.

Strategy E4-1: Develop and adopt by ordinance a vegetation management program, including a public information component.

Strategy E4-2: Require owners of property with Scotch broom and/or gorse and/or other noxious vegetation or other invasive species to eradicate same.

Strategy E4-3: Work with Pacific County Noxious Weed Board to establish a program of invasive noxious plant eradication.

Goal E5: Increase biodiversity, increase fire safety, reduce large predator habitat, and reduce illegal dunal camping and its attendant impacts by reducing the density of very dense and extremely dense beach pine forest.

Strategy E5-1: On property under the control of the city, and subject to the requirements of the city's critical areas regulations, thin beach pine forests to one (1) tree per 25-35 feet, and limb trees up 10-15 feet above adjacent grade.

4.6.3 Surface Water

Goal E6: Protect water quality.

Strategy E6-1: Emphasize avoidance of wetlands in project design.

Goal E7: Where storm-related flooding does not currently exist, retain existing drainage patterns.

Strategy E7-1: All new development shall result in no net increase in runoff, and shall be required to demonstrate this requirement is met.

Strategy E7-2: All new development shall comply with the city's flood damage prevention and drainage regulations, as well as any drainage-related conditions of approval.

Goal E8: Where storm-related shallow flooding may occur, eliminate such flooding through design.

Strategy E8-1: Alter drainage the minimum required to adequately protect life and property from flooding.

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

4.6.4 Restoration

Goal E9: 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 E9-1: Reclaim and restore biologically degraded areas to the extent practicable while continuing to allow appropriate shoreline development.

Goal E10: Restore hydraulic connectivity to functionally isolated wetlands.

Strategy E10-1: Require restoration as part of development approval as opportunities arise.

Strategy E10-2: Require culverts in all new roads where culverts would retain or restore hydraulic connectivity.

Strategy E10-3: Establish a program of culvert installation in existing roads where such installation would restore hydraulic connectivity. Culvert at least one (1) road per year under this program.

4.6.5 Mitigation of Impacts

Goal E11: Use an approach to mitigation that emphasis avoidance of mitigation through project design.

Strategy E11-1: Adhere to mitigation sequencing[†] 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 E11-2: All development, including water-dependent* and preferred shoreline uses, shall be subject to mitigation sequencing.

4.7 History, Culture, Science, and Education

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

Due to substantial accretion of approximately 2,000 feet since Washington achieved statehood in 1889, the Long Beach jurisdictional shoreline is relatively young. No prehistoric (pre-European cultural contact) resources exist in this area. Even structures in excess of 50 years of age do not exist in the jurisdictional shoreline. However, several historic homes exist atop the sand ridge located between the 1889 Line* to the west and Ocean Beach Boulevard to the east. These were “ocean front” beach homes at the time Washington achieved statehood, and they are of historic interest. Also of interest is the area’s heroic history of “man against the sea.” Men and women continue to fish the Pacific Ocean much as they have for a more than one hundred years. More than 2,000 shipwrecks and hundreds of drownings (and rescues) occurred off the Columbia-Pacific interface, and the area is romantically known as “The Graveyard of the Pacific.”

The dune and ocean beach areas are of scientific/educational interest due to the presence of wetlands, habitat, regularly occurring wildlife, and the occasional stranded exotic sea creature.

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 view corridors 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 and values.

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



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

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

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

The zoning code includes the following information for each zone:

1. A statement of intent. This describes what the zone is intended to achieve, and how it fulfills the goals of the Long Beach Comprehensive Plan.
2. A list of permitted, accessory, and conditional uses. The city operates under a “non-permissive” zoning code, in that if a permanent use is not listed in the code, it may not be permitted. In addition, they city does not allow use variances.
3. Development standards regarding lot size, lot coverage, setbacks, building heights, signage, parking, design review, and landscaping. These standards describe and codify the physical parameters for development.

Because the city has in place a thorough and effective framework for regulating land use in those areas that have a shoreline zoning designation in the city’s zoning code, this SMP includes only two SEDs: Aquatic for the ocean beach and Pacific Ocean, and a redefinition of the Conservancy SED for areas identified as S4-Conservancy in the city’s zoning regulations, including the jurisdictional shoreline located between the OHWM and 200’ landward. A map of the SEDs is located in the Appendix B to this document.

5.1 Aquatic

5.1.1 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 bottom 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.

5.1.2 Designation Criteria

The nature of the Aquatic SD is ocean beach and the Pacific Ocean beyond. With the exception of a few stormwater outfalls, no development currently occurs in the Aquatic SED. This SED applies to an area approximately 2.5 miles north to south between the north and south city limits; it is three (3) nautical miles east to west, from the OHWM waterward including the ocean beach and Pacific Ocean bottom and waters, except those locations where the OHWM is located east of the 1980 SCL in which case the 1980 SCL is the eastern limit of this SED.

5.1.3 Uses

Prohibited Uses

- A1.1 All uses except those limited uses identified below as permitted or conditional uses are prohibited.
- A1.2 Specifically prohibited are wind or wave energy uses that could limit or otherwise interfere with commercial ocean fishing.
- A1.3 Specifically prohibited is the use of all-terrain or off-road vehicles on the ocean beach and in the dune.

Permitted Uses

- A1.4 Recreational uses that do not degrade shoreline functions or values.
- A1.5 Beach access roads, the boardwalk, trails.
- A1.6 Underground utility lines.
- A1.7 Commercial and recreational fishing and shellfishing.
- A1.8 Festivals.
- A1.9 Passenger vehicle and wind-driven vehicle driving on the easternmost hard packed sand at speeds of 25 miles per hour or less; except that between the Bolstad Beach approach to the southern city limit, passenger vehicles are prohibited on the beach from April 15 through the day following Labor Day.
- A1.10 Sand removal, if conducted pursuant to RCW 79A.05.630.

Conditional Uses

- A1.11 Recreational uses that may modestly affect shoreline functions or values and that fully mitigate their effects.
- A1.12 Over-water structures are conditionally allowed only for water-dependent uses, public access, or ecological restoration. The size of new over-water structures is limited to the minimum necessary to achieve the structure's intended use. Multiple use of over-water facilities is encouraged.

5.1.4 Environmental Protection Policies

Goal AE1: Uses that adversely impact ecological functions of critical saltwater and freshwater habitats should be allowed in the Aquatic SED only where necessary to achieve objectives of RCW 90.58.020, and then only when impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.

Strategy AE1-1: 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 other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.

Goal AE2: Achieve no net loss of shoreline and ocean functions and values.

Strategy AE2-1: Develop and adhere to resource-protective regulations.

Strategy AE2-2: Adhere to mitigation sequencing[†] 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 AE2-3: 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 AE2-4: Require buffers and setbacks pursuant to the most current adopted version of the city's Critical Areas Regulations.

Strategy AE2-5: Require restoration as part of development approval as opportunities arise.

5.1.5 Public Access and Recreation Policies

Goal APA1: The city should facilitate and increase safe public access, use, and enjoyment to this area.

Strategy APA1-1: Implement a program to increase the amount of and to better identify non-motorized public beach access from both the east (landside) and the west (water/beach side), including an not limited to more spur trail signage along Ocean Bach Boulevard, the mowing of undeveloped ocean-leading public rights-of-way, and providing spur trail parking where practicable.

Strategy APA1-2: Implement a program of recreationalist-oriented improvements to the Sid Snyder beach approach.

Strategy APA1-3: Construct the Dune to Pond Trail, connecting the ocean beach, Discovery Trail, and boardwalk to recreational amenities on the east side of town. This trail will also serve as the initial link to the Cross-Peninsula Trail that will link the ocean to Willapa Bay and the Willapa National Wildlife Refuge.

The following strategy, which implements other goals of this plan, also implements this goal:

Strategy AE2-3: 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.

Goal APA2: Achieve no net loss of ocean fishing access, physical access to the ocean or of access to natural views of the ocean.

Strategy APA2-1: Off-shore wind or wave energy facilities located within 3 miles of the OHWM may not limit or otherwise interfere with ocean fishing or alter the natural view.

5.1.6 Shoreline Development Policies

Goal ASD1: Minimize disturbance to this environment by limiting improvements to those that serve the common good.

Strategy ASD1-1: Allow public utilities, if they are located underground and the impacts of their construction and operation are mitigated.

Strategy ASD-2: Reserve shoreline space for shoreline preferred uses.

Strategy ASD-3: 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.

The following strategies, which implement other goals of this plan, also implement this goal:

Strategy AE2-3: 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 APA1-1: Implement a program to increase the amount of and to better identify non-motorized public beach access from both the east (landside) and the west (water/beach side), including an not limited to more spur trail signage along Ocean Bach Boulevard, the mowing of undeveloped ocean-leading public rights-of-way, and providing spur trail parking where practicable.

Strategy APA1-2: Implement a program of recreationalist-oriented improvements to the Sid Snyder beach approach.

Strategy APA1-3: Construct the Dune to Pond Trail, connecting the ocean beach, Discovery Trail, and boardwalk to recreational amenities on the east side of town. This trail will also serve as the initial link to the Cross-Peninsula Trail that will link the ocean to Willapa Bay and the Willapa National Wildlife Refuge.

Goal ASD2: Prepare Long Beach for a worst case tsunami scenario.

Strategy ASD2-1: Complete vertical evacuation structure at Long Beach Elementary School; plan and construct one or more smaller neighborhood-serving vertical evacuation structures.

Strategy ASD2-2: Build a pedestrian route that connects the city of Long Beach to the Long Beach water plant post-tsunami assembly area.

Strategy ASD2-3: Keep the public informed of changes in tsunami protocols, changes in scientific predictions, and changes in tsunami hazard mitigation.

Strategy ASD2-4: Maintain the Long Beach water treatment plant site as a post-tsunami assembly area.

Strategy ASD2-5: Consider whether the primary dune at the Bolstad and Sid Snyder beach approaches should be allowed to return to its natural profile to provide additional storm/tsunami protection.

5.2 Conservancy

5.2.1 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.

5.2.2 Designation Criteria

The Conservancy SED generally encompasses the outer face of the primary foredune, 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 OHWM to the west and 200 feet east of the OHWM to the east; also, any lands under state jurisdiction located west of the 1889 line; also, those lands west of the 1889 Line under city jurisdiction located between 5th Street Southwest and 4th Street Northwest and between 8th Street Northwest and 14th Street Northwest.

5.2.3 Uses

Prohibited Uses

- C1.1 All uses except those limited uses identified below as permitted or conditional uses are prohibited.
- C1.2 Specifically prohibited are commercial, industrial, and non-water oriented recreation, or infrastructure that could practicably be located outside the Conservancy SED.
- C1.3 Specifically prohibited is the use of non-emergency privately-owned vehicles in this area, except those used for regular property maintenance for a duration of less than 24 hours at a time.

Permitted Uses

- C1.4 Public access and recreational amenities that do not have a residually significant impact[†] on shoreline resources.
- C1.5 Interpretation that does not have a residually significant impact on shoreline resources.
- C1.6 Scientific and/or research uses that do not have a residually significant impact on shoreline resources.
- C1.7 Historical and/or cultural uses that do not have a residually significant impact on shoreline resources.
- C1.8 Public infrastructure that cannot practicably be located outside the Conservancy SED and that does not have a residually significant impact on shoreline resources.

Conditional Uses

- C1.9 Property maintenance of vegetation above the ground (mowing, tree maintenance) pursuant to requirements of the Long Beach Critical Areas regulations. No ripping or removal of vegetation below the ground line should be allowed.

5.2.4 Environmental Protection Policies

Goal CE1: The city should include planning for restoration of degraded shorelines within the Conservancy SED.

Strategy CE1-1: Develop and enact a Shoreline Restoration Plan.

Goal CE2: Recognize the value of the primary foredune and protect its environmental functions.

Strategy CE2-1: Allow only very low intensity uses to maintain ecological functions and ecosystem-wide processes.

Goal CE3: Retain shoreline vegetation while controlling fire and eliminating large predator habitat.

Strategy CE3-1: Develop and pass by ordinance a vegetation management program, including a public information component.

Goal CE4: Achieve no net loss of shoreline functions and values.

The following strategies, which implement other goals of this plan, also implement this goal:

Strategy AE1-1: 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 other element as defined in RCW [90.58.100](#) deemed appropriate or necessary.

Strategy AE2-1: Develop and adhere to resource-protective regulations.

Strategy AE2-2: Adhere to mitigation sequencing[†] 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 AE2-3: 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 AE2-4: Require buffers and setbacks pursuant to the most current adopted version of the city’s Critical Areas Regulations.

Strategy AE2-5: Require restoration as part of development approval as opportunities arise.

5.2.5 Public Access and Recreation Policies

Goal CPA1: Enhance the Bolstad beach approach for public enjoyment

Strategy CPA1-1: Construct a new, modern, and ADA compliant comfort station.

Strategy CPA1-2: Develop a near-ocean children’s splash park.

Goal CPA2: Enhance the Discovery Trail for public enjoyment.

Strategy CPA2-1: Establish a program of improvements over time for Discovery Trail including but not limited to mile/points of interest markers, art installations, comfort stations, and possibly a bike campground.

Strategy CPA2-2: Extend the Discovery Trail northward.

Strategy CPA2-3: Build a substantial tri-part memorial to those lost at sea, shipwrecks, and the Coast Guard.

Strategy CPA2-4: Facilitate pedestrian access from the east side of town to the Discovery Trail, boardwalk, and ocean beach via the cross-town Dune to Pond Trail, eventually connecting to the proposed Cross-Peninsula Trail.

Goal CPA3: Retain natural ocean views from public locations.

Strategy CPA3-1: Allow the primary foredune to be groomed in order to preserve views from the boardwalk.

The following strategy, which implements other goals of this plan, also implements this goal with regards to natural ocean views:

Strategy APA2-1: Off-shore wind or wave energy facilities located within 3 miles of the OHWM may not limit or otherwise interfere with ocean fishing or alter the natural view.

5.2.6 Shoreline Development Policies

Goal CSD1: Limit disturbance to this area by limiting improvements to those that serve the common good.

Strategy CSD1-1: Parcels under state jurisdiction should be kept as natural as possible, except that public access and public-serving facilities should be encouraged; interpretive amenities, public art installations, and comfort stations should be allowed.

The following strategies, which implement other goals of this plan, also implement this goal:

Strategy ASD1-1: Allow public utilities, if they are located underground and the impacts of their construction and operation are mitigated.

Strategy ASD-2: Reserve shoreline space for shoreline preferred uses.

Strategy ASD-3: 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.

Goal CSD2: Prepare Long Beach for a worst case tsunami scenario.

The following strategies, which implement other goals of this plan, also implement this goal:

Strategy ASD2-1: Complete vertical evacuation structure at Long Beach Elementary School; plan and construct one or more smaller neighborhood-serving vertical evacuation structures.

Strategy ASD2-2: Build a pedestrian route that connects the city of Long Beach to the Long Beach water plant post-tsunami assembly area.

Strategy ASD2-3: Keep the public informed of changes in tsunami protocols, changes in scientific predictions, and changes in tsunami hazard mitigation.

Strategy ASD2-4: Maintain the Long Beach water treatment plant site as a post-tsunami assembly area.

Strategy ASD2-5: Consider whether the primary dune at the Bolstad and Sid Snyder beach approaches should be allowed to return to its natural profile to provide additional storm/tsunami protection.



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6.0 Permits and Permit Procedures

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. 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 the jurisdictional shoreline must meet SMA and SMP regulations and standards.

This SMP establishes use regulations (permitted, accessory, 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.

Regarding exemptions, an important distinction must be understood. While some activities may be exempt from the permitting requirements of the SMA, none are exempt from the Act or this SMP themselves, or from other federal, state, or local laws and regulations that may apply. All proposed uses and development occurring within shoreline jurisdiction—regardless of whether a permit is required—must conform to the SMA, this SMP, or other relevant laws and regulations.

Within the City of Long Beach, all non-exempt substantial development undertaken within shorelines of the state must first obtain a SSDP, shoreline CUP, and/or variance from the city. "Substantial development" means any development for which the total cost or fair market value exceeds \$6,416 (as adjusted in 2014) 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 Exemptions

Certain specific development activities are exempt from the permitting requirements of the SMA. However, state law (WAC 173-127-040 (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.

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 development standards of this SMP, such development or use can only be authorized via a variance, consistent with WAC 173-27-040 (1)(b).

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).

6.1.1 Statutory Exemptions

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

1. Any development in which the total cost or fair market value, whichever is higher, does not exceed \$6,416 or as determined under WAC 173-27-040 (2)(a), or construction of a dock in saltwater where the total cost does not exceed \$2,500, if such development does not materially interfere with the normal public use of the water or shorelines of the state and does not result in a net loss of ecological functions or values. 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 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 ordinary high water mark 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 ordinary high water mark. 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 ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, 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 ordinary high water mark. All construction authorized under this exemption shall be located landward of the ordinary high water mark.
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 master program in an expeditious manner and shall issue a decision along with any conditions within forty-five days of receiving all materials necessary to review the request from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.
12. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
 - a. The project has been approved in writing by the Washington State Department of Fish and Wildlife (WDFW^{*}) as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
 - b. The project has received hydraulic project approval by WDFW pursuant to RCW 77.55; and
 - c. The Community Development Director has determined that the project is consistent with this master program.
13. Hazardous substance remedial actions. The procedural requirements of chapter RCW 90.58 shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under

RCW 70.105D. Ecology shall, in consultation with the city, assure that such projects comply with the substantive requirements of RCW 90.58, WAC 173-26 and this master program.

6.1.2 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, shall 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 the basis of 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.

6.2 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.

6.2.1 Substantial Development

Applicability

Development for purposes of this section means a use construction or exterior alteration of structures; dredging; drilling; dumping; filling; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. Substantial development means any development of which the total cost or fair market value exceeds \$6,416, or construction of a dock in saltwater where the total cost exceeds \$2,500, 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 a SSE;
2. Construction of overwater structures or improvements waterward of the OHWM;
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.

6.2.2 Conditional Use

Applicability

The shoreline 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 1.2 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 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;
2. The proposed use will not interfere with the normal public use of public shorelines;

3. 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 program;
4. The proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions or values, and will not be incompatible with the environment designation or zoning classification of the area where it is to be located;
5. The public interest suffers no substantial detrimental effect; and
6. The proposed use is in the best interest of the public's health, safety, and welfare.

6.2.3 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 1.2 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 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 provision of this SMP—the functional equivalent of spot zoning—are prohibited.

Criteria for Approval

Pursuant to WAC 173-27-210, 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. The strict application of the bulk, dimensional or performance standards set forth in this Program 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 shoreline master program and will not cause adverse impacts to the shoreline environment.;

4. The variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and
5. The public interest will suffer no substantial detrimental effect.

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

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

6.2.4 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 effective date of a SSDP permit 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.

6.3 Permit Procedures

SSDPs and shoreline CUPs 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).

6.3.1 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.

6.3.1 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.

6.3.2 Notices

After receiving a project permit application, and pursuant to city code section 11-2C-8, 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. 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.

6.3.3 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.

6.3.4 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.

6.3.5 Appeals

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 Hearing Board. Appeals must be made to the Shorelines Hearing Board within twenty-one (21) days after the city's final decision on a shoreline permit, shoreline variance, or revisions thereof. 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.

Any aggrieved person who is a party of record may file an appeal of a final decision made by the city of Long Beach hearing examiner pursuant to the requirements of city code section 11-2C-14.

6.3.6 Revision or Extension of Shoreline Permits and Variances

Revisions

A permit revision is required when an applicant proposes substantive changes[†] 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[†]) 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.

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 completion of their files.

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.

Extensions

A shoreline permit's duration of five (5) years may be extended by the city on a case-by-case basis upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the SMA and this SMP. The requirement that construction must commence within two (2) years may be extended by the city once for a one- (1-) year period. The requirement that permitted development must be completed within five (5) years may be extended by the city once for a one- (1-) year period.

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.



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7.0 Nonconforming Uses, Structures, and Lots

Nonconforming[†] 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.

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 or moved any distance within the shorelines of the state; and
5. 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 OHWM of the Pacific Ocean 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 conditional use permit.

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 to an extent not exceeding seventy five percent (75%) replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as:

1. The applicant applies for permits needed to restore the development within six (6) months of the date the damage occurred;
2. All permits are obtained; and
3. The restoration is completed 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 act and the master 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 that the enlargement or expansion does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

A nonconforming structure moved any distance within the jurisdictional shoreline must be brought into conformance with the applicable master program and the act.

7.2.3 Repair of a Damaged Nonconforming Structure

If a nonconforming structure is damaged to an extent not exceeding seventy five percent (75%) of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided:

1. The application is made for the permits necessary to restore the development within six (6) months of the date the damage occurred; and
2. All permits are obtained and the restoration is completed within two (2) years of permit issuance.

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.



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8.0 References

The following references may appear in this this document, and do appear in one or more of the background documents developed as part of this updated Shoreline Master Program.

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Appendices

- A Shoreline Jurisdiction Map
- B Shoreline Environment Designations Map

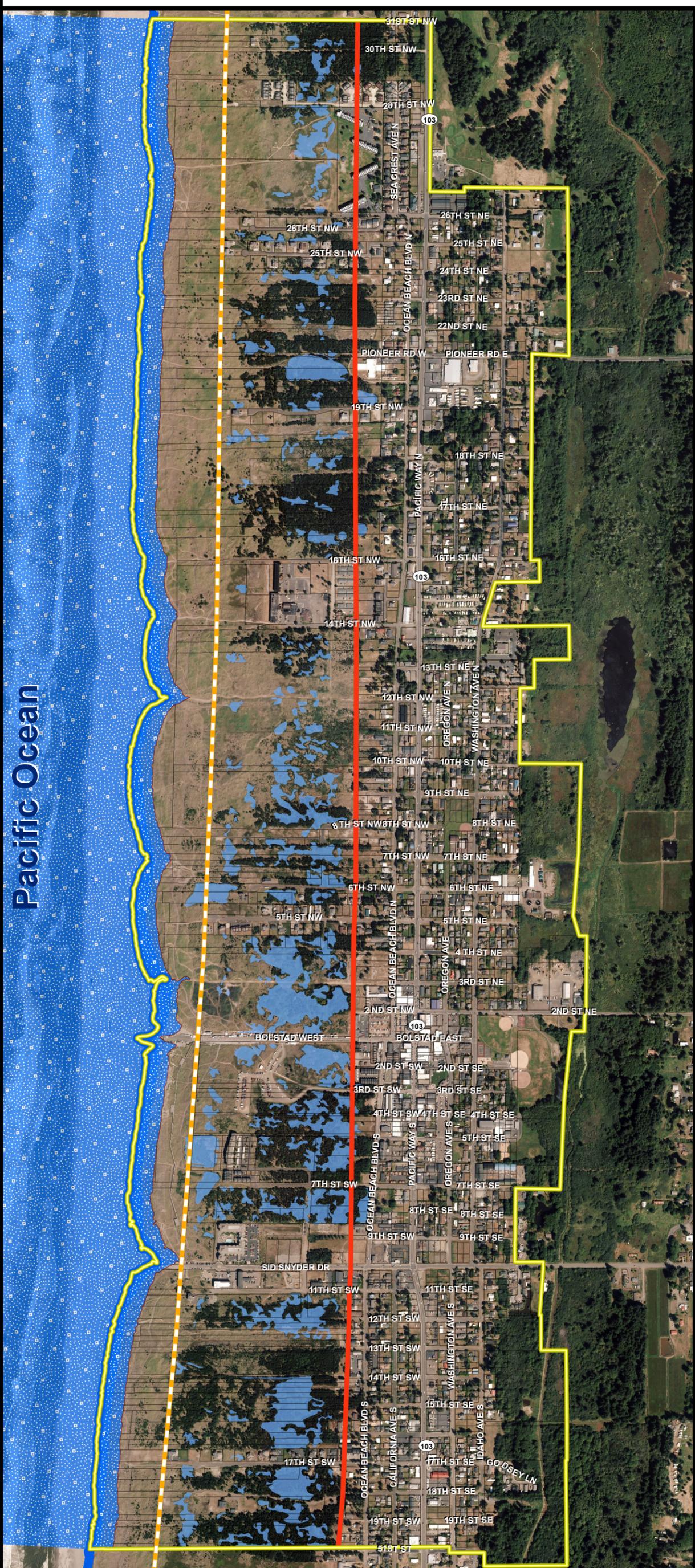
A Shoreline Jurisdiction Map

SHORELINE MASTER PROGRAM UPDATE

Shoreline Jurisdiction



SMP Map Disclaimer: This map is meant for illustrative purposes only. Data collection is an ongoing process and this information shown should not be considered complete. This map is not intended for regulatory purposes as scale, accuracy and completeness are not adequate to determine regulatory implications at a site specific level. Presence of environmental features and critical areas, as defined in the Growth Management Act, must be verified at the site specific level. This map is intended to provide a generalized overview of the extent and distribution of key environmental features and critical areas throughout the city. This map represents the best available data at the time of publication.



Map Legend

Preliminary Shoreline Jurisdiction

- Ordinary High Water Mark (OHWM)
- 1889 Western Upland Boundary
- Incorporated City of Long Beach
- 1980 S.C.L. Seashore Conservation Line (S.C.L.) / Building Setback Line
HLB/City of Long Beach 2014
- Associated Wetlands
- Shorelands within 200' East of OHWM and nearshore extending 3 nautical miles West
- 2013 Air-Photo DNR 2013

All data sources City of Long Beach 2014 unless otherwise indicated
This map was made on May 20, 2015



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Feet
Map Scale 1:11,000

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SHORELINE MASTER PROGRAM REGIONAL MAPS

Pacific County



Pacific County with Long Beach

Washington State



State of Washington with Pacific County

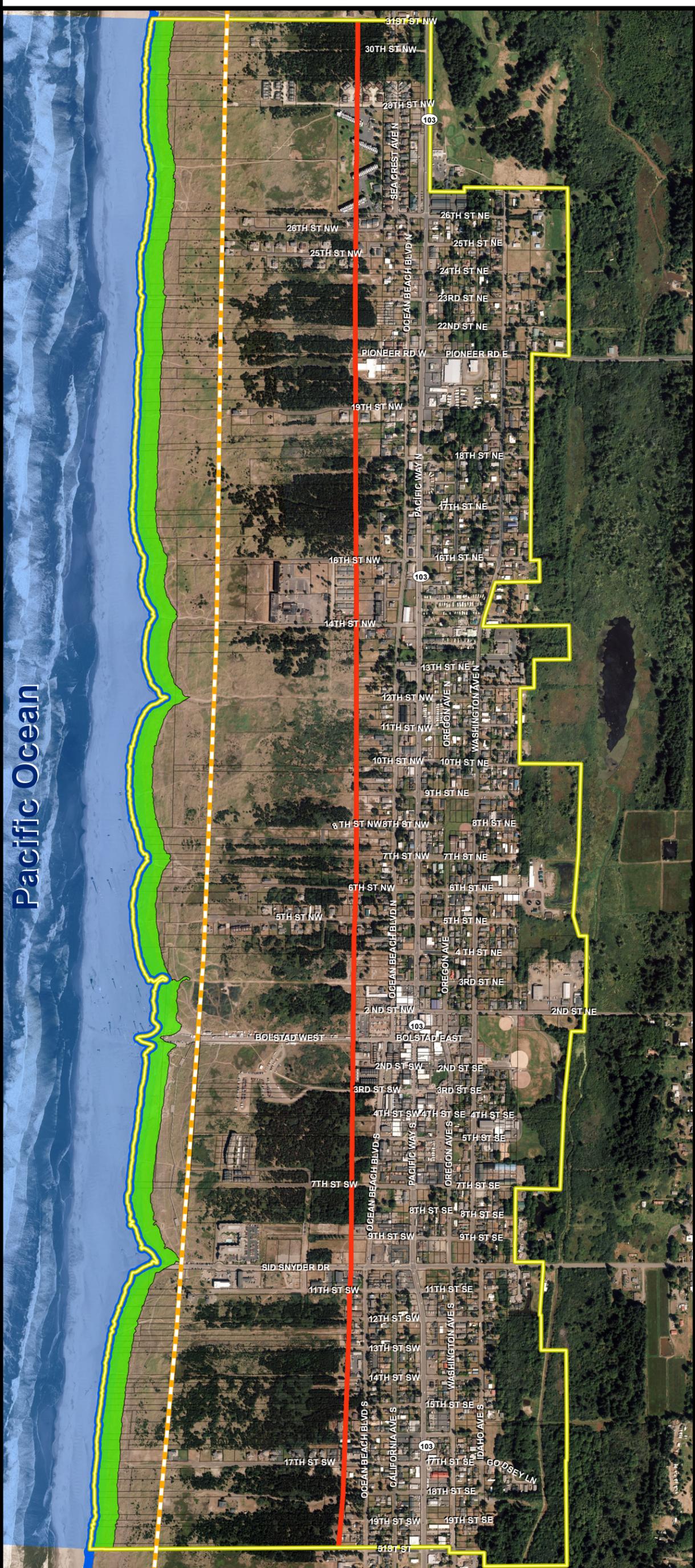
B Shoreline Environment Designations Map

SHORELINE MASTER PROGRAM UPDATE

Shoreline Environment Designations



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Map Legend

-  Ordinary High Water Mark (OHWM)
-  1889 Western Boundary
-  1980 S.C.L. Seashore Conservation Line (S.C.L.) / Building Setback Line
HLB/City of Long Beach 2014
-  Incorporated City of Long Beach Area

Shoreline Environment Designations

-  Aquatic
This SED extends from OHWM westward three nautical miles
-  Conservancy

All data sources City of Long Beach 2014 unless otherwise indicated
This map was made on May 20, 2015



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SHORELINE MASTER PROGRAM REGIONAL MAPS

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State of Washington with Pacific County