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Shoreline Master Program

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environmental protection public access shoreline development

Second Draft
Shoreline Master Program

City of Long Beach

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Acronyms & Abbreviations

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

BAS: best available science

CSZ: Cascadia Subduction Zone

CUP: conditional use permit

CZMA: Coastal Zone Management Act

DNR: Washington State Department of Natural Resources

Ecology: Washington State Department of Ecology

GMA: Washington State Growth Management Act

MHW or MHT: Mean High Water or Mean High Tide

MRC: (The Pacific County) Marine Resource Council

NAVD88: North American Vertical Datum of 1988

NGVD29: National Geodetic Vertical Datum of 1929

OFM: Washington State Office of Financial Management

OHWM: Ordinary high water mark

ORMA: Ocean Resources Management Act

RCW: Revised Code of Washington

SCA: Seashore Conservation Area

SCL: Seashore Conservation Line

SED: Shoreline Environment Designation

SF: square feet

SEPA: Washington State Environmental Policy Act

SMA: Washington State Shoreline Management Act

SMP: Shoreline Master Program

SSDP: Shoreline Substantial Development Permit

SSE: Statement of Shoreline Exemption

SSWS: Shoreline(s) of Statewide Significance

UGA: Urban Growth Area

USC: United States Code

USFWS: United States Fish & Wildlife Service

WAC: Washington Administrative Code

WDFW: Washington State Department of Fish & Wildlife

WRIA: Water Resources Inventory Area

Glossary/Definitions

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

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.

ADVERSE IMPACT: A negative effect environmental quality.

ADVERSE IMPACT, SIGNIFICANT: An adverse impact with more than moderate adverse effects on environmental quality. What is considered significant will vary from one site to another, and from one jurisdiction to another, both because of specific existing conditions at a particular location, and because of the judgement of the responsible official.

AIDS TO NAVIGATION: A marker which aids the traveler in navigation. The primary components of the U.S. Aids to Navigation System are beacons and buoys.

ALTERATION: Human-induced change in an existing condition, including but not limited to grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of an area.

AMENDMENT: A revision, update, addition, deletion, and/or reenactment To an Existing Shoreline Master Program.

AQUACULTURE: The culture or farming of fish, shellfish or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution prevention of damage to the environment, is a preferred use of the water area. Aquaculture does not include harvest of wild geoduck associated with the state managed wildstock geoduck industry.

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).

BUFFER: The area contiguous to a shoreline and/or critical area that protects the area from adverse impacts and is required for the continued maintenance, functioning, and/or structural stability of the shoreline or critical area.

BUOY: An anchored float serving as a navigation mark.

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

COUNTY: Pacific County, Washington.

CRITICAL AREAS: Wetlands, geologically hazardous areas, frequent flooded areas, fish and wildlife habitat conservation areas, and areas with a critical recharging effect on aquifers used for potable water.

CRITICAL SALTWATER HABITATS: All kelp beds, eelgrass beds, and spawning and holding areas for forage fish such as hearing smelt, and sand lance; subsistence, commercial, and recreational shellfish beds; mud flats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

CUMULATIVE IMPACTS: The impact of all development in a specific area within the reasonably foreseeable future.

DATE OF FILING: Date of actual receipt by Ecology of the City's final decision on a given shoreline substantial development permit. Involving approval or denial of a variance or conditional use permit, the date of transmittal of Ecology's final decision to the City.

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 in year 2015 exceeds six thousand four hundred and sixteen dollars ($6,416), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold is adjusted for inflation by the OFM[⁋] every five years based upon changes in the consumer price index during that period.

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."

DUNE MODIFICATION: The removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter dune shape or sediment migration.

ENHANCEMENT: Actions performed within an existing degraded shoreline, critical area, and/or the buffer to such areas to intentionally increase or augment one or more of its functions or values.

EXEMPT: Development not required to obtain a shoreline substantial develop permit, but which much otherwise comply with applicable provisions of the Shoreline Management Act and the City's Shoreline Master Program.

FEASIBLE: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors

FILL: The addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area water word of the ordinary high watermark, in wetlands, or shorelands in a manner that raises the elevation or creates dry land.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS: Areas important for maintaining species and suitable habitats within their natural geographic distribution so that fragmented populations are not created.

FIXED STRUCTURES: Structures fixed to the seafloor either via a foundation or via anchor(s), piles, guys, towers, or other methods, including but not limited to piers, as well as platforms and monopoles, such as those used for ocean energy development. Contrast to systems that are anchored, but float, such as a buoy or a net pen.

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].

GEOLOGICALLY HAZARDOUS AREAS: Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose unacceptable risks to public health and safety and may not be suited for commercial, residential, or industrial development.

GOAL: A desired result, achieved via a strategy/policy. See related "implementing strategy."

GRADING: The movement or redistribution of soil, sand, rock, gravel, sediment, or other material in a manner that alters the natural contour the land.

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. Interchangeable with policy. See "strategy".

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.

IN-WATER: Lands located waterward of the ordinary high watermark of the ocean or associated wetlands.

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.

MARINE ENVIRONMENT:

> **BENTHIC:** The ocean bottom, comprising the gently sloping continental shelf[⁂] from shore to a depth of 200 meters, the mesobenthal at the upper portion of the steeper slope face of the outer shelf at depths of 200 to 500 meters, the bathybenthal 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.

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

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.

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

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.

MUST: A mandate; a required action. See "shall."

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).

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

NET PEN: A system of aquaculture that confines fish or shellfish in a mesh enclosure.
NONCONFORMING USE OR STRUCTURE: A shoreline use or development lawfully constructed or established prior to the effective date of the SMA or this SMP, or amendments thereto, but which does not conform to present regulations or standards of the program. A "grandfathered" used or structure. Contrast to "illegal."

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

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).

OCEAN DISPOSAL: The deliberate deposition or release of material into the Pacific Ocean.

OCEAN ENERGY PRODUCTION: Harnessing of energy in a usable form directly in or on the ocean; for example, from waves or wind.

OCEAN RESOURCES MANAGEMENT ACT (ORMA✝): Chapter 43.143, Revised Code of Washington, which articulates policies and establishes guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines, to guide activities in the Pacific Ocean, and supplements the Shoreline Management Act. Codified as Washington Administrative Code 173-26-230.

OCEAN USES: Activities or developments that occur on Washington's coastal waters, including their associated off shore, near shore, inland marine, shoreland, and upland facilities and their supply, service, and distribution activities. Examples of ocean uses involving nonrenewable resources include extraction of oil, gas, and minerals; energy production; disposal of waste products; and salvage. Examples of ocean uses generally involving sustainable use of renewable resources include commercial, recreational, and tribal fishing; aquaculture; recreation; shellfish harvesting; and pleasure craft activity.

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.

PERMITTED USE: A use allowed with in a specific shoreline environment designation, which may require a shoreline substantial develop permit, but is not expected to require a conditional use permit or a variance.

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

RESTORE, RESTORATION (or ECOLOGICAL RESTORATION): Reestablishment or upgrading of impaired ecological shoreline processes or functions[⌖]. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

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.

SHALL: A mandate; a required action. See "must."

SHORELANDS: those lands extending landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark[⁑] (OHWM[⁑]), plus associated wetlands[⁑].

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 HEARINGS BOARD: A quasi-judicial body which hears appeals by any aggrieved party with standing on the issuance of a shoreline permit or enforcement penalty, as well as appeals by the City of Long Beach of Ecology approval of master programs, rules, regulations, guidelines or, designations under the Shoreline Management Act.

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 and associated shorelands; therefore, the Long Beach shoreline is a SSWS. The Washington legislature has determined and declared that the interest of all of the people shall be paramount in the management of shorelines of statewide significance.

SHORELINE PERMITS/APPROVALS:

CONDITIONAL USE PERMIT: Required if a proposed use is listed as a conditional use in a local government's shoreline environment designation, or if the SMP does not address the use. Uses which are classified or set forth in this SMP as conditional uses may be authorized provided the applicant demonstrates all of the following:

1. The proposed use is consistent with the policies of the SMA (RCW 90.58.020) and the master program;
2. The proposed use will not interfere with the normal public use of public shorelines;

3. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
4. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
5. The public interest suffers no substantial detrimental effect.

EXEMPTION: Specific agricultural, drought emergency, force practices, energy, and environmental excellent program uses are exempt from some or all SMA requirements. Other activities may be exempt from substantial development permit requirements but are not exempt from requirements of the SMA. In any case, the burden of proof a development or use is exempt from shoreline borne by the applicant.

SUBSTANTIAL DEVELOPMENT PERMIT: Required for all non-exempt development that meets the legal definition of "substantial development" (see below). These permits are reviewed and processed by local governments and subsequently sent to Ecology for filing. Substantial development permits cannot be approved unless they are consistent with policies and procedures of the Shoreline Management Act, Ecology rules, and this SMP.

VARIANCE: Variances are used to allow a project to deviate from SMP dimensional standards (e.g., setback, height, or lot coverage requirements). A proposal for a variance must meet criteria found in state rules, be consistent with other shoreline environment designation and use requirements, be used to address special property (not personal) circumstances, and must not grant special privilege.

SHORELINE STABILIZATION: Measures taken to address erosion caused by natural processes such as currents, floods, tides, wind, or wave action.

SHORELINE STABILIZATION, NONSTRUCTURAL: Measures such as building setbacks, structural relocation, groundwater management, and land-use planning.

SHORELINE STABILIZATION, STRUCTURAL HARD: Measures such as rock revetments, gabions, groins, bulkheads, and seawalls.

SHORELINE STABILIZATION, STRUCTURAL SOFT: Measures such as vegetation enhancement, beach enhancement, bioengineering measures, anchor logs and stumps, and gravel placement/beach nourishment.

SHOULD: A particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this SMP, against taking the action.

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

STRATEGY: See "implementing strategy".

STRUCTURE: A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, which is installed on, above, or below the surface of the ground or water, except for vessels.

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.

SUBSTANTIAL DEVELOPMENT: Any development whose total cost or fair market value exceeds a specific threshold (adjusted every five years, and last established in 2012 at $6,416), or any development that materially interferes with the normal public use of the water or shorelines of the state.

SUBSTANTIALLY DEGRADE: To cause significant environmental/ecological impact.

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

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): Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales[4], 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

The Shoreline Master Program[*] (SMP[*]) for the City of Long Beach, Washington comprises this written document, and two maps: a Shoreline Jurisdiction Map and a Shoreline Environment Designation[*] (SED[*]) Map. The maps are Appendices A and B, respectively to this, document. In addition City of Long Beach Critical Areas Regulations[1], as may be amended, is adopted herein by reference.

1.1 Purpose of Shoreline Planning

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

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

1.2 Authority to Plan and Enforce

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

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

The authority and responsibility of local government to enforce under the SMA are found at Washington Administrative Code[*] (WAC[*]) 173-27-240 through 310. Pursuant to 173-27-260:

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

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[1] Codified as Title 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, and amended by Ordinance 920, adopted on August 3, 2015.

1.3 Legislative Findings

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

> *The shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.*
>
> *The legislature further finds that much of the shoreline of the state and adjacent uplands are in private ownership and that unrestricted construction on the privately owned and publicly owned shorelines of the state is not in the best public interest. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.*

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

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

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

1.4 Purposes of this SMP

The SMA defines an SMP as a "comprehensive use plan" for a shoreline area. The shoreline planning process differs from traditional planning processes in its emphasis on protecting shoreline functions and values[*] 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.

1.5.1 Establish Shoreline Jurisdiction

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

1.5.2 Inventory and Characterization Report

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

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

1.5.3 Community Visioning and Visioning Report

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

1.5.4 Shoreline Environment Designations Report

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

The official shoreline environment designation map for the City of Long Beach is Appendix B to this SMP.

1.5.5 Restoration Plan

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

1.5.6 SMP

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

1.5.7 Cumulative Impacts Analysis

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

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

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

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

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

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

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

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

1.7 How to Use this SMP

1.7.1 As a Planning and Regulatory Document

The city will use this SMP to protect the shoreline environment, increase public access to the shoreline, and permit suitable shoreline uses. The city will also use this SMP in conjunction with other existing regulations and plans to ensure that no net loss occurs to shoreline functions.

Finally, the city will use the restoration elements of this SMP and the related Restoration Plan to attempt to improve shoreline functions compared to current conditions.

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

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

1.7.2 To Understand When a Permit is Required

The Long Beach SMP addresses a range of uses and development that may occur in the shoreline area. The SMP ensures the shoreline area is protected from activities and uses that, if unmonitored, could cause damage to the functions and values of the shoreline, or degrade the aesthetic values of the shoreline that Long Beach enjoys. Some uses/development may be required to obtain an SSDP, a Shoreline CUP, a Shoreline Variance, or a Letter of Exemption. While some uses may be exempt from permitting requirements, all must comply with the policies and regulations established by the state's SMA as expressed through this SMP.

2.0 Scope, Jurisdiction, Applicability, Exemptions

2.1 Scope

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

2.2 Jurisdiction

The geographical extent of shoreline jurisdiction under this SMP includes a small portion of the Pacific Ocean and the ocean beach plus shorelands*, including 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 the1889 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.

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

2.3 Interpretation

2.3.1 Request for Interpretation

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

2.3.2 Liberal Construction

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

2.3.3 Responsible Party and Consultation

The Community Development Director[2] shall provide administrative interpretations in accordance with Long Beach City code section 1-3-1, as may be amended. The community

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

development director must provide a written administrative interpretation within thirty (30) days of receipt of a request for same.

The City shall consult with Ecology to ensure that formal written interpretations are consistent with the purpose and intent of chapters 90.58 RCW and 173-26-140 WAC.

2.3.4 Map Interpretation

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

2.3.5 Appeals

Any decision regarding interpretation of this SMP may be appealed in accordance to the Shorelines Hearings Board within twenty one (21) days a petition for review must be made to the Shorelines Hearings Board within twenty-one (21) days after the city's written interpretation is issued.

2.4 Applicability and Exemptions

2.4.1 To What this SMP Applies

All proposed uses and development[♦] occurring within shoreline jurisdiction must conform to the SMA and this SMP. All uses, even those not meeting the definition of development, are subject to the policies and regulations of this SMP, even though a shoreline permit may not be required.

WAC 173-27-140(1) states:

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

2.4.2 To Whom this SMP Applies

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 nothing in this SMP shall affect any right(s) 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 any use or development within shoreline jurisdiction shall make application to the Community Development Director. Based on provisions of this SMP, the Director will determine if a Letter of Exemption, a Shoreline Substantial Development Permit* (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. Permitting processes and requirements are presented in Chapter 6 of this SMP.

2.4.4 Letter of Exemption

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

2.5 Relation to other Plans and Regulations

2.5.1 Consistency with Plans and Policies

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

2.5.2 Consistency with SEPA and Other Laws

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

2.5.3 Ocean Resources Management Act; Ocean Management

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

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

This SMP incorporates by reference the Long Beach critical areas regulations, as codified in Title 13 of the Long Beach city code and adopted via Ordinance No. 857 on August 2, 2010 and as amended by Ordinance No. 892, adopted March 18, 2013, and as also amended by Ordinance No. 920, adopted August 3, 2015. Unless identified immediately below, if provisions of the critical areas regulations and the SMP or SMA conflict, the provisions most protective of shoreline functions shall prevail, as determined by the city in consultation with Ecology. The following apply, whether or not they are the most protective provisions:

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

2.5.5 Severability

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

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

3.0 Summary: Inventory and Characterization of the Long Beach Shoreline

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

3.1 Physical

3.1.1 Geology, Soils, Groundwater, Seismology

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

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

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

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

3.1.2 Topography and Surface Water

Topography. The Long Beach Peninsula exhibits long and low parallel north-south dune ridges[*] 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) From west to east, first there is a broad and gradually sloping ocean beach. The foredune is a ridge of sand parallel to the ocean beach and located just above the limit of ordinary wave action. Behind the foredune is a low-lying deflation plain where interdunal wetlands form at surface elevations of 14 feet National Geodetic Vertical Datum of 1929[*] (NGVD29[*]) or lower. To the east of the deflation plain is the historic foredune, a dune ridge. The foredune, deflation plain, and dune ridge comprise the city's dune area, or dune complex, averaging about 2,000 feet in width.

The ocean floor from the shore outward to approximately seven (7) miles is considered the inner (nearshore-shallow) continental shelf[*] 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 bathybental is mud. (Washington Marine Spatial Planning, 2014)

Surface Water. Long Beach is located within the Willapa Watershed, also termed Water Resources Inventory Area (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 that do not meet water quality standards set by states, territories, or authorized tribes. Currently, there are no identified 303(d) terrestrial waters located in Long Beach or near enough to be affected by activities in the city's shoreline jurisdiction. (Ecology, 2014)

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

3.2 Biological

3.2.1 Ocean

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

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

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

3.2.2 Ocean Beach

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

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

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

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

3.2.3 Dune Complex

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

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

Vegetation. The dune complex is predominately vegetated with European and American beachgrasses (*Ammophila arenaria* and *breviligulata*, respectively) exotic species that have crowded out or limited the range of other plants. Other dune species include American dune grass (*Leymus mollis*, a native species), coastal strawberry (*Fragaria chileonsis*), seashore lupine (*Lupinus littoralis*), searocket (*Cakile edentula*), beach pea (*Lathryrus 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*).

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. In recent years, incidents involving habituated black bear in near-dune residential and commercial districts of Long Beach have noticeably increased.

3.3 Human-Influenced Conditions

3.3.1 Land Use Patterns

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

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

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

3.3.2 Public Access

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

3.3.3 Cultural Resources

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

3.4 Environmental Issues

3.4.1 Foredune

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

3.4.2 Deflation Plain/Associated Wetlands

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

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

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4.0 SMP Elements: Goals and Strategies

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

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

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

4.1 Economic Development

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

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

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

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

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

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

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

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

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

Strategy ED2-3: Ocean uses and associated on-shore facilities should be located, designed and operated consistent with state guidelines, specifically WAC 173-26-360, as amended.

4.2 Public Access

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Strategy PA3-1: Off-shore facilities should not substantially interfere with ocean fishing, or substantially alter public beach access or natural ocean views without fully mitigating their impacts on same.

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

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

4.4 Circulation

Intent. To determine the general location and extent of existing and proposed major thoroughfares, transportation routes, and 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.

<u>Goal SU1:</u> 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.

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

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

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

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

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

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

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

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

4.6 The Environment

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

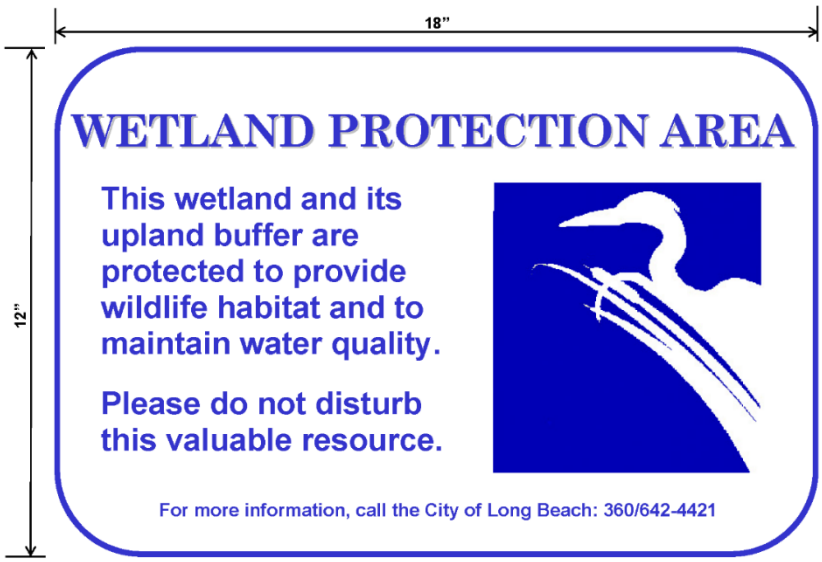
4.6.1 In General

<u>Goal E1:</u> Increase public awareness of the functions that shorelines serve, and the value of those functions.

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

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

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



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

<u>Goal E2:</u> The city should include planning for restoration of degraded shorelines.

Strategy E2-1: Implement the Shoreline Restoration Plan.

<u>Goal E3:</u> Recognize the value of the primary foredune and protect its environmental functions.

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

<u>Goal E4:</u> Achieve no net loss of shoreline functions and values.

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

Strategy E4-2: Adhere to mitigation sequencing[Φ] as described in WAC 173-26-201 (2)(e), including the following, listed in order of preference:

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

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

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

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

4.6.2 Critical Areas

<u>Goal E5:</u> Protect all critical areas to the extent feasible relative to new development, redevelopment, or property maintenance.

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

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

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

Strategy E5-4: Pursuant to the City's Critical Areas regulations, require posting of the city's wetland signage as a condition of approval for developments located on properties with wetlands. (see sign, above)

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

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

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

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

4.6.3 Vegetation Management

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

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

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

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

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

4.6.4 Surface Water

Goal E8: Protect water quality.

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

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

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

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

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

<u>Goal E10:</u> Where storm-related shallow flooding may occur, eliminate such flooding through design.

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

4.6.5 Restoration

<u>Goal E11:</u> 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.

StrategyE11-1: Reclaim and restore biologically degraded areas to the extent practicable while continuing to allow appropriate shoreline development.

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

4.6.6 Mitigation of Impacts

<u>Goal E12:</u> Use an approach to mitigation that emphasizes avoidance of impacts through project design.

Strategy E12-1: Adhere to mitigation sequencing[†].

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

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

4.6.7 Tsunami Preparedness

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

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

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

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

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

Strategy E13-5: 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.

4.7 History, Culture, Science, and Education

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

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

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

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

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

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

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

4.8 Ocean Resources

Intent. To balance protection, understanding, and utilization of resources of Long Beach's coastal waters, seabed, and associated shoreline.

4.8.1 Protect

Goal O1: Use decisions that require shoreline permits shall be resource protective.

Strategy O1-1: Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will.

Strategy O1-2: Ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

Strategy O1-3: Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.

Strategy O1-4: Ocean uses and activities that depend on sustaining function of the ecosystem or will not adversely impact renewable biological resources, public access, or cause a net loss in ecosystem function or a loss of existing uses shall be given priority over uses and activities that do not.

Strategy O1-5: When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

StrategyO1-6: pursuant to WAC 173-26-360(4), neither the city nor state shall be precluded from opposing the introduction of new uses.

Goal O2: Balance the geographic need for ocean resources with the geographic placement for their development.

Strategy O2-1: The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

Goal O3: Utilize existing vetted protective guidelines in ocean use decision-making.

Strategy O3-1: Ocean uses and associated on-shore facilities should be located, designed and operated consistent with state guidelines, specifically WAC 173-26-360 (Ocean Management, which implements the ORMA), as may be amended.

Strategy O3-2: All federal actions, including management plans updates, should be consistent with this SMP, which comprises an element of the State of Washington's Coastal Zone Management Program as recognized by the Coastal Zone Management Act (USC Title 16, Chapter 33) and Coastal Zone Management Re-authorization Amendments.

4.8.2 Understand

Goal O4: Keep abreast of, contribute to, and utilize Best Available Science (BAS) regarding ocean resources.

Strategy O4-1: Support the continued study of complex, dynamic, and interrelated coastal and estuarine environments in Pacific County.

Strategy O4-2: Encourage coordination amongst the array of agencies charged with the management and regulations of actions within coastal ocean areas within and beyond the boundaries of Pacific County.

Strategy O4-3: Supporting scientific documentation for conditional use permits should be available and fully considered before decisions are made. Documentation should adequately address seasonal, inter-annual, and spatial variability in ocean conditions and identify data gaps in studies that may affect project outcome approvals, disapprovals, or modifications including required mitigation.

Goal O5: In the absence of best available science, strive for resource, economic, and cultural protection, and adaptively manage ocean uses.

Strategy O5-1: Except as noted in Chapter 5 of this SMP, the city shall prohibit permanent fixed structures, to provide time for the development of information regarding potential significant adverse impacts of such ocean uses on ecological functions and existing resource-based uses; and to develop recommendations for avoiding, minimizing and mitigating these impacts. The city will revisit and modify policies and regulations regarding permanent fixed structures to address new information and technology, including analyses and recommendations resulting from the marine spatial planning process per RCW 43.372, during scheduled periodic reviews of this SMP under RCW 90.58.080.

4.8.3 Utilize

Goal O6: Utilize ocean resources in a sustainable manner.

Strategy O6-1: Existing resource-based uses, ecological and ecosystem functions and processes in the coastal zone, and public access to ocean waters should be protected and preserved for current and future generations.

Strategy O6-2: Ocean uses should not adversely affect coastal communities, including the health, safety, and economic welfare of the county. Ocean uses that will have lesser adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have greater such impacts.

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

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

5.1 Relationship of SEDs and Zoning

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

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

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

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

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

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

Shoreline Use, Development, or Modification	Conservancy	Aquatic
This table summarizes detailed information located in this SMP. The reader should verify allowable uses, developments, and modifications and the conditions under which they may be allowed or prohibited by reviewing sections 5.2 (Aquatic SED) and 5.3 (Conservancy SED) of this SMP. In interpreting this table, the following apply: **X = Prohibited P = Permitted C= Conditionally permitted NA = Not applicable**		
Any proposed use, development, or modification not anticipated on this SMP may, at the city's discretion after review and consideration of available information, be prohibited or permitted via a shoreline CUP.		
Accessory or associated uses/structures/development	Reviewed as part of principal use; additional permits may be required	Reviewed as part of principal use; additional permits may be required
Agriculture	X	NA
Aids to Navigation	NA	P
Aquaculture	NA	P
Beach or dune management		
Public	P	P
Private	Accessory to a principal use	NA
Boating facilities	NA	NA
Commercial development		
Water dependent that would not degrade shoreline functions	NA	P
Water dependent that could degrade shoreline functions	NA	C
Water enjoyment	C	C
Water related	C	NA
Non water oriented	C	NA
Dredging and dredge material disposal		
Maintenance dredging	NA	C
Dredging for water-dependent uses	NA	C
Dredging, other	NA	C
Disposal for permitted habitat restoration/enhancement	P	P
Dredge disposal, other	X	X
Fill and excavation		
Fill	Accessory to a principal use	NA
Excavation	Accessory to a principal use	NA
Habitat or natural systems restoration/enhancement projects [1]	P	P

Table 5-1: Shoreline Use, Development, and Modification by SED		
Shoreline Use, Development, or Modification	**Conservancy**	**Aquatic**
Historical/cultural/educational/scientific		
Would not have a residually significant impact on shoreline resources	P	P
Could have a residually significant impact on shoreline resources (mitigation applies)	C	C
Industrial		
Energy production/processing	X	X
Water dependent that would not degrade shoreline functions	X	X
Water dependent that could degrade shoreline functions	X	NA
Water enjoyment	X	X
Water related	X	NA
Non water oriented	X	X
Mining		
Sand removal pursuant to RCW 79A.05.630	P	P
Other mining	X	X [2]
Ocean uses/modifications	NA	C
Includes fixed structures	X	X
Does not include fixed structures and would not result in residually significant impacts to shoreline resources	Accessory to a principal use	P
Does not include fixed structures and could result in residually significant impacts to shoreline resources	Accessory to a principal use	C
Piers or docks		
Commercial, industrial, public	X	X
Residential	X	X
Public safety facilities/activities	P	NA
Recreation		
Uses or activities that would not degrade shoreline functions	P	P
Uses or activities that could degrade shoreline functions (mitigation required)	P	C
Public access	P	P
Festivals	P	P
Residential development	P	X
Shoreline stabilization		
New hard	NA	C

Table 5-1: Shoreline Use, Development, and Modification by SED		
Shoreline Use, Development, or Modification	**Conservancy**	**Aquatic**
New soft	NA	P
Repair and replacement	NA	P
Signage (public information or temporary)	P	P
Transportation and parking		
Public access that would not have a residually significant impact on shoreline resources	P	P
Public access that could have a residually significant impact on shoreline resources	C	C
Private access	Accessory to a principal use	Accessory to a principal use
Parking lots	Accessory to a principal use	Accessory to a principal use
Utilities		
Cannot be placed outside the SED and would not have a residually significant impact on shoreline resources	P	P
Cannot be placed outside the SED and could have a residually significant impact on shoreline resources	C	C
Underground	P	P
Accessory utilities	Accessory to a principal use	Accessory to a principal use
Vegetation Management	P	NA

1. Projects to protect or restore ecological functions may be allowed by either a shoreline substantial development permit or exemption, at the discretion of the city..
2. Ocean beach mineral prospecting conducted under a valid Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife is allowed.

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

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

5.2 Aquatic SED

5.2.1 Intent

To protect, restore, and manage unique characteristics and resources of the ocean beach and the Pacific Ocean; to maintain or increase access, including both beach access and traditional fishing access to ocean seabed and waters; and to increase recreational opportunities. The Aquatic SED implements in part the Natural use designation of the City of Long Beach Comprehensive Plan.

5.2.2 Designation Criteria

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

5.2.3 Use Regulations

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

Prohibited Uses

Disposal of dredge material, except as noted below

Energy production/processing

Industrial

In-water uses that would result in long-term significant adverse impacts to coastal or marine resources, particularly renewable resources, or uses without fully mitigating those impacts, or that are otherwise inconsistent with requirements of this SMP, the SMA, the ORMA, or the federal Coastal Zone Management Act

Mining, except as noted below

Ocean uses as defined in WAC 173-26-360(3) that include fixed structures, unless otherwise noted herein

Piers, docks

Residential

Uses incorporating fixed structures, unless otherwise noted herein

Permitted Uses

Aids to navigation

Aquaculture

Commercial, tribal, and recreational fishing and shellfishing

Festivals

Habitat or natural systems restoration/enhancement, including disposal necessary as part of permitted restoration/enhancement

Mining: Sand removal conducted pursuant to RCW 79A.05.630

Ocean uses as defined in WAC 173-26-360(3) that do not include fixed structures and would not result in a residually significant[4] impact to shoreline or ocean resources

Public access that would not have a residually significant impact on shoreline resources

Public beach or dune management

Public information or temporary event signage

Recreational uses that would not degrade shoreline functions

Repair/replace shoreline stabilization

Scientific and/or research uses that would not have a residually significant impact on shoreline resources

Shoreline stabilization, soft

Underground utilities/infrastructure.

Water-dependent uses that would not degrade shoreline functions

Conditional Uses

Dredging, pursuant to state and federal permitting requirements

In-water uses and associated on-shore facilities that would not result in long-term significant adverse impacts to coastal or marine resources, that fully mitigate their impacts, and that are otherwise consistent with requirements of this SMP, the SMA, the federal Coastal Zone Management Act, the Ocean Resource Management Act and WAC 173-26-360

Recreational uses that may affect shoreline functions and that fully mitigate their impacts

Ocean uses as defined in WAC 173-26-360(3) that do not include fixed structures and could result in a residually significant[4] impact to shoreline or ocean resources

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

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

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

Shoreline stabilization, hard

Water-oriented uses not listed as permitted uses

5.2.4 Development Regulations

General

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

Buffers

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

Fill/Grading

9. Filling or grading shall occur only in support of permitted and conditional uses, or development permitted by a variance.
10. Fill or grading shall be the minimum allowed to achieve the permitted purpose.
11. Fills shall be located, designed, and constructed to protect shoreline functions and ecosystem-wide processes.
12. Fill shall consist of clean materials with a minimum potential for degrading water quality.

13. Pile-supported structures shall be preferred over fills unless it can be demonstrated that fill will provide better ecological function.

Aquaculture

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

Dredging

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

In-water Structures

19. Piling installation shall be permitted only in conjunction with a permitted use and shall be the minimum necessary to accomplish the proposed use.
20. In-water structures shall not impede migration of anadromous fish.
21. Applicants shall demonstrate consideration of all of the following in the location, planning, and design of new in-water structures:
    a. Public access to shorelines;
    b. Flood protection;
    c. Preservation of historic and cultural resources;
    d. Protection and preservation of ecosystem-wide processes and ecological functions;
    e. Impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species;

f. Watershed functions and processes;

g. Hydrogeological, hydraulic, and hydrologic processes; and

h. Preservation of natural scenic vistas.

Restoration

22. Restoration and resource enhancement shall be consistent with the *Final Restoration Plan: Long Beach Shoreline Master Program Update* (City of Long Beach, 2015; May).

23. Restoration or enhancement projects shall include maintenance and monitoring for a period determined in the project permit.

24. Restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices.

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

    a. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;

    b. Water quality will not be degraded;

    c. Flood storage capacity will not be degraded;

    d. Streamflow will not be reduced;

    e. Impacts to critical areas and buffers will be avoided as practicable and where unavoidable, minimized and fully mitigated to achieve no net loss of function; and

    f. The project will not substantially interfere with the historic public use of navigable waters of the state.

Water Quality

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

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

28. Any in-water development components shall use non-toxic materials to the extent practicable.

Ocean Uses

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

a. There is a demonstrated significant local, state, or national need for the proposed use or activity;

b. There is no reasonable alternative to meet the public need for the proposed use or activity;

c. There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

d. All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

e. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

f. Compensation is provided to mitigate adverse impacts to coastal resources or uses;

g. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

h. The use or activity complies with all applicable local, state, and federal laws and regulations.

5.3 Conservancy SED

5.3.1 Intent

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

5.3.2 Designation Criteria

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

(A) They are suitable for water-related or water-enjoyment uses;

(B) They are open space, flood plain or other sensitive areas that should not be more intensively developed;

(C) They have potential for ecological restoration;

(D) They retain important ecological functions, even though partially developed; or

(E) They have the potential for development that is compatible with ecological restoration.

In Long Beach, 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 Pacific Ocean OHWM to the west and 200 feet east of the OHWM to the east; also, this SED applies to all associated wetlands.

5.3.3 Use Regulations

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

Prohibited Uses

Except as specified below and in the SMA, specifically prohibited are non-water oriented uses or infrastructure that could practicably be located outside the Conservancy SED

Agriculture

Disposal of dredge or other material, unless noted herein

Energy production/processing

Industrial development

Mining, except as noted below

Piers/docks

Permitted Uses

Festivals

Habitat or natural systems restoration/enhancement, including disposal necessary as part of permitted restoration/enhancement

Historical and/or cultural uses that would not have a residually significant impact on shoreline resources

Interpretative facilities and signage that would not have a residually significant impact on shoreline resources

Mining: Sand removal conducted pursuant to RCW 79A.05.630

Public access that would not have a residually significant impact on shoreline resources

Public dune/beach maintenance to periodically adjust the height of the dune between the boardwalk and the ocean

Public information or temporary event signage

Public infrastructure that cannot practicably be located outside the Conservancy SED and that does not have a residually significant impact on shoreline resources

Public safety facilities/activities

Recreational amenities that do not have a residually significant impact on shoreline resources

Residential

Scientific and/or research uses that would not have a residually significant impact on shoreline resources

Underground utilities/infrastructure

Vegetation management/fire and large predator control activities pursuant to the goals and strategies of this SMP

Vegetation management that is part of ongoing maintenance of uses, facilities, infrastructure, public rights-of-way, or utilities, provided the vegetation management activity does not expand into a critical area

Conditional Uses

Any use not exempt from the permitting requirements of the SMA, including those defined in Chapter 8 of the Long Beach zoning regulations last amended via Ordinance No 912 and adopted on August 3, 2015, resulting in impacts to associated wetlands located west of the 1889 line and east of 200 feet landward of the OHWM

Historical and/or cultural uses that may have a residually significant impact on shoreline resources

Interpretative facilities that may have a residually significant impact on shoreline resources

Public access that may have a residually significant impact[4] on shoreline resources

Public infrastructure that cannot practicably be located outside the Conservancy SED and that may have a residually significant impact on shoreline resources

Recreational amenities that may have a residually significant impact[4] on shoreline resources

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

Upland facilities associated with a permitted off-shore use

Water-oriented uses that serve a public purpose

5.3.4 Development Regulations

General

1. All development shall adhere to mitigation sequencing.

2. All development resulting in visible above-ground facilities or signage shall comply with the city's Design Guidelines and shall be subject to design review pursuant to Long Beach city code 12-10 and 10A.
3. Development shall be located, designed, and operated to result in no net loss of shoreline functions.
4. Development shall be located, designed, and operated to avoid adverse impacts to other shoreline uses, including but not limited to recreation and public access.
5. In the areas of associated wetlands, the building setback line for all private development shall be the 1980 SCL, except that between Sid Snyder Drive West and Bolstad Avenue West, the building setback Line for all private development shall be the 1968 SCL.
6. The maximum height of any structure located on land shall be twenty feet (20') above highest adjacent grade, except in the area of associated wetlands (see below for those standards).
7. In the area of associated wetlands, Long Beach zoning development standards applicable to the underlying zoning designation shall apply, including lot size, lot coverage, building height, lot line setbacks, signage, parking, design review, landscaping, and accessory building size.
8. Before new commercial nonwater-oriented development is permitted within associated wetlands, the proponent must demonstrate that upland areas are not feasible for the intended economic activity.

Buffers

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

Fill/Grading

11. Other than dune modification for boardwalk maintenance by the city, filling or grading shall occur only in support of exempted, permitted, or conditional uses, or development permitted by a variance.
12. Dune modification for boardwalk maintenance may occur only when:
    a. A direct view of the Pacific Ocean from the boardwalk is impaired by the dune; or
    b. When the dune beneath the boardwalk rises to within two feet (2') of the underside of the boardwalk.

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

Dredging

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

In-water Structures

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

Restoration

23. Restoration and resource enhancement shall be consistent with the *Final Restoration Plan: Long Beach Shoreline Master Program Update* (City of Long Bach, 2015; May).
24. Restoration or enhancement projects shall include maintenance and monitoring for a period determined in the project permit.

25. Restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices.

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

    a. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;

    b. Water quality will not be degraded;

    c. Flood storage capacity will not be degraded;

    d. Impacts to critical areas and buffers will be avoided as practicable and where unavoidable, minimized and fully mitigated to achieve no net loss; and

    e. The project will not substantially interfere with the historic public use of navigable waters of the state.

Water Quality

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

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

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6.0 Administration: Permits, Enforcement, Modifying the SMP

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

6.1 Permits

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

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

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

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

6.1.1 Exemptions

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

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

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

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

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

Statutory Exemptions

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

1. Any development in which the total cost or fair market value, whichever is higher, does not exceed $6,416 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 is supported by a statement from the Building Official that complete replacement is common practice and the replacement does not cause substantial adverse effects to shoreline resources or the environment.

3. Construction of a normal protective bulkhead common to single family residences. A normal protective bulkhead includes those structural and non- structural developments installed at or near, and parallel to the OHWM mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that the OHWM has been established by the presence and action of water landward of the bulkhead, the replacement bulkhead must be located at or near the actual OHWM. Alternative bank stabilization projects may also be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An emergency is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed, except where new protective structures are deemed by the Community Development Director to be the appropriate means to address the emergency situation. Upon abatement of the emergency situation, the new structure shall be removed or any permit that would have been required, absent an emergency, has been obtained. All emergency construction shall be consistent with the policies of the SMA and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency.

5. Construction or modification, by or under the authority of the Coast Guard, of navigational aids such as channel markers and anchor buoys.

6. Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his/her own use or for the use of his/her family. The residence shall not exceed a height of thirty-five (35) feet above average grade level and must meet all requirements of the City and any state agencies having jurisdiction. Single-family residence means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single- family residence and is located landward of the OHWM and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and 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 OHWM. All construction authorized under this exemption shall be located landward of the OHWM.

7. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
8. Any project with a certification from the Governor pursuant to RCW 80.50.
9. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
    a. The activity does not interfere with the normal public use of the surface waters;
    b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
    c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
    d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to ensure that the site is restored to preexisting conditions; and
    e. The activity is not subject to the permit requirements of RCW 90.58.550 (oil or natural gas exploration in marine waters).
10. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020. If no reasonable alternative exists, then herbicide or other treatment methods applicable to weed control may be used that are recommended by a final environmental impact statement published by the Department of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
11. Watershed restoration projects as set forth in WAC 173-27-040 (2)(o). The Shoreline Administrator shall review watershed restoration projects for consistency with this SMP in an expeditious manner and shall issue a decision along with any conditions within forty-five days of receiving all materials necessary to review the request from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.
12. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
    a. The project has been approved in writing by the Washington State Department of Fish and Wildlife (WDFW[4]) as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;
    b. The project has received hydraulic project approval by WDFW pursuant to RCW 77.55; and

c. The Community Development Director has determined that the project is consistent with this SMP.

13. Hazardous substance remedial actions. The procedural requirements of chapter RCW 90.58 shall not apply to a project for which a consent decree, order or agreed order has been issued pursuant to RCW 70.105D or to Ecology when it conducts a remedial action under RCW 70.105D. Ecology shall, in consultation with the city, assure that such projects comply with the substantive requirements of RCW 90.58, WAC 173-26 and this SMP.

Statement of Shoreline Exemption

Applicants for exempt uses or development must obtain a written Statement of Shoreline Exemption (SSE[4]) 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.

6.1.2 Types of Shoreline Approvals

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

Substantial Development

Applicability. Development for purposes of this section means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. Substantial development means any development of which the total cost or fair market value exceeds $6,416 or as adjusted by the Washington State Office of Financial Management, or any development which materially-interferes with the normal public use of the water or shorelines of the state, except those exempt developments set forth in the preceding section, consistent with WAC 173-27-040.

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

Development activities that do not qualify for a SSE;

Construction of overwater structures or improvements waterward of the OHWM (also requires a Conditional Use Permit);

Other development activities of a temporary or permanent nature that are determined by the Community Development Director to have a probable detrimental impact to public access or public views of the shoreline.

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

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

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

Conditional Use

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

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

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

1. The proposed use is allowed as a conditional use in the SED in which the subject property is located, or if not, is compatible with and can be made consistent with development standard regulations of the underlying zoning designation.
2. The proposed use will be consistent with policies of RCW 90.58.020, goals and strategies of this SMP, the City of Long Beach Comprehensive Plan and other applicable plans, programs and/or regulations;

3. The proposed use will not interfere with the normal public use of public shorelines;
4. The proposed use and its design will be compatible with other permitted uses within the area and with uses planned for the area under the Comprehensive Plan and SMP;
5. The proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be inconsistent or incompatible with the shoreline environment designation of the area where it is to be located;
6. The public interest suffers no substantial detrimental effect; and
7. The proposed use is in the best interest of the public‘s health, safety, and welfare.

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

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

Variance

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

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

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

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

1. Strict application of the bulk, dimensional or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property;

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

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

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

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

6.1.3 Time Requirements for Permits

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

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

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

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

6.1.4 Permit Procedures

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

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

Pre-Application Conference

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

Application

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

Notices

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

The city will notify the owner of properties located within 300' of the perimeter of proposed project site pursuant to city code section 11-2C-9 and WAC 173-27-110. The city will also publish the notice in a paper of general circulation, and will post the notice at the project site as

well. The notice will include details of the proposal as well as information regarding the public hearing and how to comment on the proposal.

Hearing

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

Decision

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

Appeals

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

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

Transmittal to Ecology

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

6.1.5 Revision of Shoreline Permits

A permit revision is required when an applicant proposes substantive changes[4] 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

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

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 filing.

Shoreline Conditional Use Permits and Variances

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

6.2 Enforcement

6.2.1 Authority

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

6.2.2 Responsible Party

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

6.2.3 Stopping a Violation

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

6.2.4 Enforcement Options

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

6.2.5 Knowing Violation

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

6.2.6 Restoration

Restoration Plan Preparation

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

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

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

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

Restoration Plan Contents

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

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

Bond/Security

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

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

Monitoring

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

1. The condition of introduced or reintroduced plant species;

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

6.3 Amendments or Updates to this SMP

Pursuant to RCW 90.58.080, following approval of the city's SMP by Ecology, the city is required to periodically review, and if necessary revise, and update its SMP once every eight (8) years beginning on or before June 30, 2022. 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 SMP 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 SMP review required by RCW 90.58.080(4), following a comprehensive SMP 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 SMP 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 SMP amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions.

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 unless the requirements in section 7.2.1 are met;
5. A nonconforming use may not be moved any distance within the shorelines of the state; and
6. Nonconforming uses will be considered abandoned if they are discontinued for more than twelve (12) consecutive months. The “grandfathered” rights expire regardless of the owner's intent to abandon or not. Any subsequent use must conform to the requirements of the SMA and SMP.

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

7.1.2 Enlarging or Expanding a Nonconforming Use

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

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

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

7.1.3 Repair of a Damaged Nonconforming Use

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

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

7.2 Structures

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

7.2.1 Continuance of a Nonconforming Structure

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

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

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

7.2.2 Enlarging, Expanding, or Moving a Nonconforming Structure

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

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

7.2.3 Repair of a Damaged Nonconforming Structure

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

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

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

7.3 Lots

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

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8.0 References

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Appendices

A Shoreline Jurisdiction Map
B Shoreline Environment Designations Map
C Ocean Resources Management Act (Chapter 43.143 RCW, as may be amended)
D Ocean Management (WAC 173-26-360, as may be amended)

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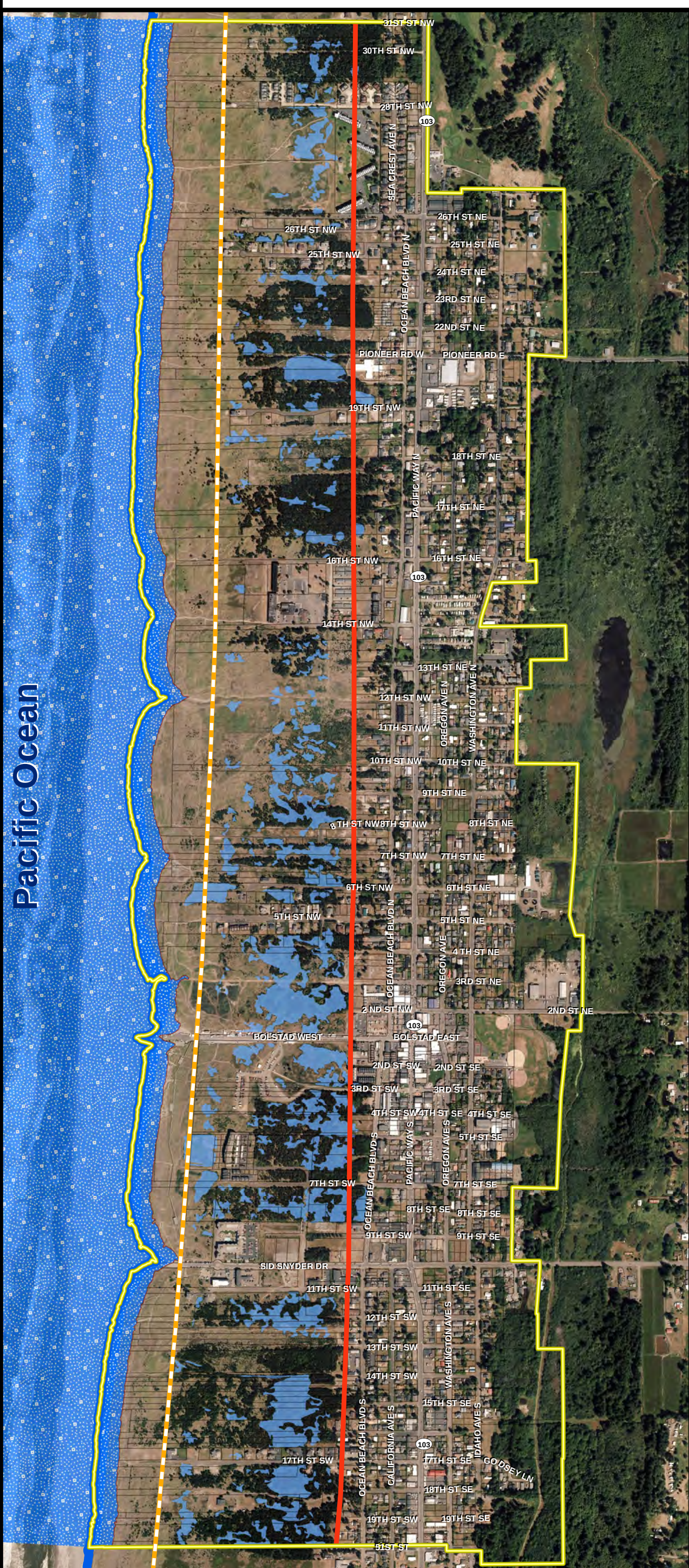
A Shoreline Jurisdiction Map

SHORELINE MASTER PROGRAM UPDATE
Shoreline Jurisdiction



SMP Map Disclaimer: This map is meant for planning purposes only. The location of the OHWM and associated wetlands are approximate and aditional evaluation and delineation at the site specific level may be necessary.

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 April 20, 2016

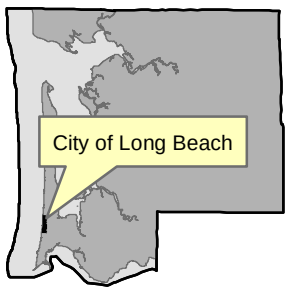
City of Long Beach
Community Development
PO Box 310
Long Beach, WA 98631
(360) 642-4421
planner@longbeachwa.gov

0 250 500 1,000 Feet

Map Scale 1:11,000

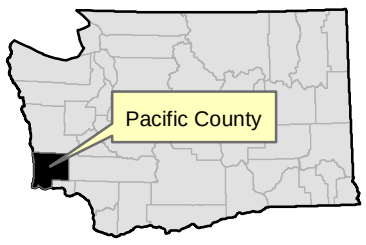
SHORELINE MASTER PROGRAM REGIONAL MAPS

Pacific County



Pacific County with Long Beach

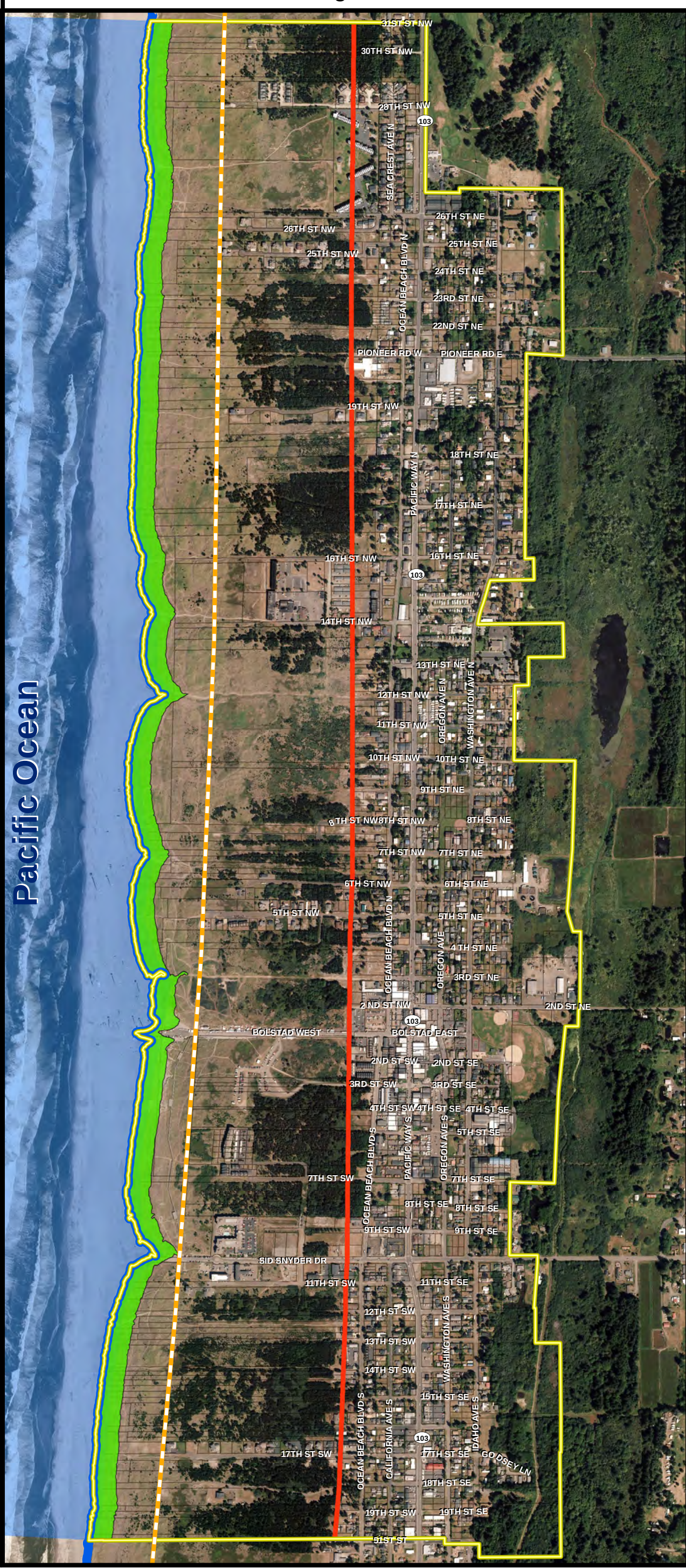
Washington State



State of Washington with Pacific County

B Shoreline Environment Designations Map

SHORELINE MASTER PROGRAM UPDATE
Shoreline Environment Designations



CITY OF LONG BEACH Washington

SMP Map Disclaimer: This map is meant for planning purposes only. The location of the OHWM and associated wetlands are approximate and aditional evaluation and delineation at the site specific level may be necessary.

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
This SED applies to all associated wetlands

All data sources City of Long Beach 2014 unless otherwise indicated

This map was made on April 20, 2016

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0 250 500 1,000 Feet

Map Scale 1:11,000

City of Long Beach
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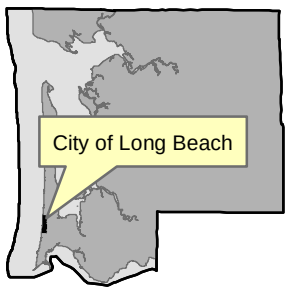
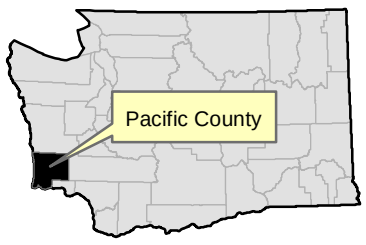
SHORELINE MASTER PROGRAM REGIONAL MAPS

Pacific County



Pacific County with Long Beach

Washington State



State of Washington with Pacific County

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

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Chapter 43.143 RCW
OCEAN RESOURCES MANAGEMENT ACT

RCW 43.143.005
Legislative findings.

(1) Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources.

(2) Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future.

(3) Washington's coastal waters, seabed, and shorelines are faced with conflicting use demands. Some uses may pose unacceptable environmental or social risks at certain times.

(4) The state of Washington has primary jurisdiction over the management of coastal and ocean natural resources within three miles of its coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and environment, the state has an inherent interest in how these resources are managed.

[1997 c 152 § 1; 1989 1st ex.s. c 2 § 8.]

RCW 43.143.010
Legislative policy and intent — Moratorium on leases for oil and gas exploration, development, or production — Appeals from regulation of recreational uses — Participation in federal ocean and marine resource decisions.

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

[1997 c 152 § 2; 1995 c 339 § 1; 1989 1st ex.s. c 2 § 9.]

RCW 43.143.020
Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Coastal counties" means Clallam, Jefferson, Grays Harbor, and Pacific counties.

(2) "Coastal waters" means the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles.

[1989 1st ex.s. c 2 § 10.]

RCW 43.143.030
Planning and project review criteria.

(1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in RCW 43.143.010 shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

[1989 1st ex.s. c 2 § 11.]

RCW 43.143.050
Washington coastal marine advisory council.

(1) The Washington coastal marine advisory council is established in the executive office of the governor to fulfill the duties outlined in RCW 43.143.060.

(2) (a) Voting members of the Washington coastal marine advisory council shall be appointed by the governor or the governor's designee. The council consists of the following voting members:

(i) The governor or the governor's designee;

(ii) The director or commissioner, or the director's or commissioner's designee, of the following agencies:

(A) The department of ecology;

(B) The department of natural resources;

(C) The department of fish and wildlife;

(D) The state parks and recreation commission;

(E) The department of commerce; and

(F) Washington sea grant;

(iii) The following members of the Washington coastal marine advisory council established by the department of ecology and as existing on January 15, 2013:

(A) One citizen from a coastal community;

(B) Two persons representing coastal commercial fishing;

(C) One representative from a coastal conservation group;

(D) One representative from a coastal economic development group;

(E) One representative from an educational institution;

(F) Two representatives from energy industries or organizations, one of which must be from the coast;

(G) One person representing coastal recreation;

(H) One person representing coastal recreational fishing;

(I) One person representing coastal shellfish aquaculture;

(J) One representative from the coastal shipping industry;

(K) One representative from a science organization;

(L) One representative from the coastal Washington sustainable salmon partnership;

(M) One representative from a coastal port; and

(N) One representative from each outer coast marine resources committee, to be selected by the marine resources committee.

(b) The Washington coastal marine advisory council shall adopt bylaws and operating procedures that may be modified from time to time by the council.

(3) The Washington coastal marine advisory council may invite state, tribal, local governments, federal agencies, scientific experts, and others with responsibility for the study and management of coastal and ocean resources or regulation of coastal and ocean activities to designate a liaison to the council to attend council meetings, respond to council requests for technical and policy information, perform collaborative research, and review any draft materials prepared by the council. The council may also invite representatives from other coastal states or Canadian provinces to participate, when appropriate, as nonvoting members.

(4) The chair of the Washington coastal marine advisory council must be nominated and elected by a majority of councilmembers. The term of the chair is one year, and the position is eligible for reelection. The agenda for each meeting must be developed as a collaborative process by councilmembers.

(5) The term of office of each member appointed by the governor is four years. Members are eligible for reappointment.

(6) The Washington coastal marine advisory council shall utilize a consensus approach to decision making. The council may put a decision to a vote among

councilmembers, in the event that consensus cannot be reached. The council must include in its bylaws guidelines describing how consensus works and when a lack of consensus among councilmembers will trigger a vote.

(7) Consistent with available resources, the Washington coastal marine advisory council may hire a neutral convener to assist in the performance of the council's duties, including but not limited to the dissemination of information to all parties, facilitating selected tasks as requested by the councilmembers, and facilitation of setting meeting agendas.

(8) The department of ecology shall provide administrative and primary staff support for the Washington coastal marine advisory council.

(9) The Washington coastal marine advisory council must meet at least twice each year or as needed.

(10) A majority of the members of the Washington coastal marine advisory council constitutes a quorum for the transaction of business.

[2013 c 318 § 1.]

RCW 43.143.060
Washington coastal marine advisory council — Duties.

(1) The duties of the Washington coastal marine advisory council established in RCW 43.143.050 are to:

(a) Serve as a forum for communication concerning coastal waters issues, including issues related to: Resource management; shellfish aquaculture; marine and coastal hazards; ocean energy; open ocean aquaculture; coastal waters research; education; and other coastal marine-related issues.

(b) Serve as a point of contact for, and collaborate with, the federal government, regional entities, and other state governments regarding coastal waters issues.

(c) Provide a forum to discuss coastal waters resource policy, planning, and management issues; provide either recommendations or modifications, or both, of principles, and, when appropriate, mediate disagreements.

(d) Serve as an interagency resource to respond to issues facing coastal communities and coastal waters resources in a collaborative manner.

(e) Identify and pursue public and private funding opportunities for the programs and activities of the council and for relevant programs and activities of member entities.

(f) Provide recommendations to the governor, the legislature, and state and local agencies on specific coastal waters resource management issues, including:

(i) Annual recommendations regarding coastal marine spatial planning expenditures and projects, including uses of the marine resources stewardship trust account created in RCW 43.372.070;

(ii) Principles and standards required for emerging new coastal uses;

(iii) Data gaps and opportunities for scientific research addressing coastal waters resource management issues;

(iv) Implementation of Washington's ocean action plan 2006;

(v) Development and implementation of coast-wide goals and strategies, including marine spatial planning; and

(vi) A coastal perspective regarding cross-boundary coastal issues.

(2) In making recommendations under this section, the Washington coastal marine advisory council shall consider:

(a) The principles and policies articulated in Washington's ocean action plan; and

(b) The protection and preservation of existing sustainable uses for current and future generations, including economic stakeholders reliant on marine waters to stabilize the vitality of the coastal economy.

[2013 c 318 § 2.]

RCW 43.143.900
Captions not law.

Section captions as used in this chapter do not constitute any part of the law.

[1989 1st ex.s. c 2 § 18.]

RCW 43.143.901
Short title.

Sections 8 through 12 of this act shall constitute a new chapter in Title 43 RCW and may be known and cited as the ocean resources management act.

[1989 1st ex.s. c 2 § 19.]

RCW 43.143.902
Severability — 1989 1st ex.s. c 2.

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

[1989 1st ex.s. c 2 § 20.]

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

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WAC 173-26-360
Ocean management.

(1) Purpose and intent. This section implements the Ocean Resources Management Act, (RCW 43.143.005 through 43.143.030) enacted in 1989 by the Washington state legislature. The law requires the department of ecology to develop guidelines and policies for the management of ocean uses and to serve as the basis for evaluation and modification of local shoreline management master programs of coastal local governments in Jefferson, Clallam, Grays Harbor, and Pacific counties. The guidelines are intended to clarify state shoreline management policy regarding use of coastal resources, address evolving interest in ocean development and prepare state and local agencies for new ocean developments and activities.

(2) Geographical application. The guidelines apply to Washington's coastal waters from Cape Disappointment at the mouth of the Columbia River north one hundred sixty miles to Cape Flattery at the entrance to the Strait of Juan De Fuca including the offshore ocean area, the near shore area under state ownership, shorelines of the state, and their adjacent uplands. Their broadest application would include an area seaward two hundred miles (RCW 43.143.020) and landward to include those uplands immediately adjacent to land under permit jurisdiction for which consistent planning is required under RCW 90.58.340. The guidelines address uses occurring in Washington's coastal waters, but not impacts generated from activities offshore of Oregon, Alaska, California, or British Columbia or impacts from Washington's offshore on the Strait of Juan de Fuca or other inland marine waters.

(3) Ocean uses defined. Ocean uses are activities or developments involving renewable and/or nonrenewable resources that occur on Washington's coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

(4) Relationship to existing management programs. These guidelines augment existing requirements of the Shoreline Management Act, chapter 90.58 RCW, and those chapters in Title 173 of the Washington Administrative Code that implement the act. They are not intended to modify current resource allocation procedures or regulations administered by other agencies, such as the Washington department of fisheries management of commercial, recreational, and tribal fisheries. They are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources. Every effort will be made to take into

account tribal interests and programs in the guidelines and master program amendment processes. After inclusion in the state coastal zone management program, these guidelines and resultant master programs will be used for federal consistency purposes in evaluating federal permits and activities in Washington's coastal waters. Participation in the development of these guidelines and subsequent amendments to master programs will not preclude state and local government from opposing the introduction of new uses, such as oil and gas development.

(5) Regional approach. The guidelines are intended to foster a regional perspective and consistent approach for the management of ocean uses. While local governments may have need to vary their programs to accommodate local circumstances, local government should attempt and the department will review local programs for compliance with these guidelines and chapter 173-26 WAC: Shoreline Management Act guidelines for development of master programs. It is recognized that further amendments to the master programs may be required to address new information on critical and sensitive habitats and environmental impacts of ocean uses or to address future activities, such as oil development. In addition to the criteria in RCW 43.143.030, these guidelines apply to ocean uses until local master program amendments are adopted. The amended master program shall be the basis for review of an action that is either located exclusively in, or its environmental impacts confined to, one county. Where a proposal clearly involves more than one local jurisdiction, the guidelines shall be applied and remain in effect in addition to the provisions of the local master programs.

(6) Permit criteria. Local government and the department may permit ocean or coastal uses and activities as a substantial development, variance or conditional use only if the criteria of RCW 43.143.030(2) listed below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia River, Willapa Bay and Grays Harbor estuaries, and Olympic National Park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

(7) General ocean uses guidelines. The following guidelines apply to all ocean uses, their service, distribution, and supply activities and their associated facilities that require shoreline permits.

(a) Ocean uses and activities that will not adversely impact renewable resources shall be given priority over those that will. Correspondingly, ocean uses that will have less adverse impacts on renewable resources shall be given priority over uses that will have greater adverse impacts.

(b) Ocean uses that will have less adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have more such impacts.

(c) When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority.

(d) The alternatives considered to meet a public need for a proposed use should be commensurate with the need for the proposed use. For example, if there is a demonstrated national need for a proposed use, then national alternatives should be considered.

(e) Chapter 197-11 WAC (SEPA rules) provides guidance in the application of the permit criteria and guidelines of this section. The range of impacts to be considered should be consistent with WAC 197-11-060 (4)(e) and 197-11-792 (2)(c). The determination of significant adverse impacts should be consistent with WAC 197-11-330(3) and 197-11-794. The sequence of actions described in WAC 197-11-768 should be used as an order of preference in evaluating steps to avoid and minimize adverse impacts.

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

(g) Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude and/or degree of impact on the resource, jurisdiction and use.

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

(i) Local governments should evaluate their master programs and select the environment(s) for coastal waters that best meets the intent of chapter 173-26 WAC, these guidelines and chapter 90.58 RCW.

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

(k) Ocean uses should be located to avoid adverse impacts on proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

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

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

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

(o) In locating and designing associated onshore facilities, special attention should be given to the environment, the characteristics of the use, and the impact of a probable disaster, in order to assure adjacent uses, habitats, and communities adequate protection from explosions, spills, and other disasters.

(p) Ocean uses and their associated facilities should be located and designed to minimize impacts on existing water dependent businesses and existing land transportation routes to the maximum extent feasible.

(q) Onshore facilities associated with ocean uses should be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there.

(r) Attention should be given to the scheduling and method of constructing ocean use facilities and the location of temporary construction facilities to minimize impacts on tourism, recreation, commercial fishing, local communities, and the environment.

(s) Special attention should be given to the effect that ocean use facilities will have on recreational activities and experiences such as public access, aesthetics, and views.

(t) Detrimental effects on air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, and community culture should be considered in avoiding and minimizing adverse social and economic impacts.

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

(v) Preproject environmental baseline inventories and assessments and monitoring of ocean uses should be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities or the technology involved is likely to change.

(w) Oil and gas, mining, disposal, and energy producing ocean uses should be designed, constructed, and operated in a manner that minimizes environmental impacts on the coastal waters environment, particularly the seabed communities, and minimizes impacts on recreation and existing renewable resource uses such as fishing.

(x) To the extent feasible, the location of oil and gas, and mining facilities should be chosen to avoid and minimize impacts on shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas.

(y) Discontinuance or shutdown of oil and gas, mining or energy producing ocean uses should be done in a manner that minimizes impacts to renewable resource ocean uses such as fishing, and restores the seabed to a condition similar to its original state to the maximum extent feasible.

(8) Oil and gas uses and activities. Oil and gas uses and activities involve the extraction of oil and gas resources from beneath the ocean.

(a) Whenever feasible oil and gas facilities should be located and designed to permit joint use in order to minimize adverse impacts to coastal resources and uses and the environment.

(b) Special attention should be given to the availability and adequacy of general disaster response capabilities in reviewing ocean locations for oil and gas facilities.

(c) Because environmental damage is a very probable impact of oil and gas uses, the adequacy of plans, equipment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills should be major considerations in the review of permits for their location and operation. If a permit is issued, it should ensure that adequate prevention, response, and mitigation can be provided before the use is initiated and throughout the life of the use.

(d) Special attention should be given to the response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities.

(e) Oil and gas facilities including pipelines should be located, designed, constructed, and maintained in conformance with applicable requirements but should at a minimum ensure adequate protection from geological hazards such as liquefaction, hazardous slopes, earthquakes, physical oceanographic processes, and natural disasters.

(f) Upland disposal of oil and gas construction and operation materials and waste products such as cuttings and drilling muds should be allowed only in sites that meet applicable requirements.

(9) Ocean mining. Ocean mining includes such uses as the mining of metal, mineral, sand, and gravel resources from the sea floor.

(a) Seafloor mining should be located and operated to avoid detrimental effects on ground fishing or other renewable resource uses.

(b) Seafloor mining should be located and operated to avoid detrimental effects on beach erosion or accretion processes.

(c) Special attention should be given to habitat recovery rates in the review of permits for seafloor mining.

(10) Energy production. Energy production uses involve the production of energy in a usable form directly in or on the ocean rather than extracting a raw material that is transported elsewhere to produce energy in a readily usable form. Examples of these ocean uses are facilities that use wave action or differences in water temperature to generate electricity.

(a) Energy-producing uses should be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes.

(b) An assessment should be made of the effect of energy producing uses on upwelling, and other oceanographic and ecosystem processes.

(c) Associated energy distribution facilities and lines should be located in existing utility rights of way and corridors whenever feasible, rather than creating new corridors that would be detrimental to the aesthetic qualities of the shoreline area.

(11) Ocean disposal. Ocean disposal uses involve the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordnance, platforms, or other man-made structures.

(a) Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment.

(b) Ocean disposal shall be allowed only in sites that have been approved by the Washington department of ecology, the Washington department of natural resources, the United States Environmental Protection Agency, and the United States Army Corps of Engineers as appropriate.

(c) Ocean disposal sites should be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the guidelines should still be met.

(12) Transportation. Ocean transportation includes such uses as: Shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports. The following guidelines address transportation activities that originate or conclude in Washington's coastal waters or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington.

(a) An assessment should be made of the impact transportation uses will have on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves and sanctuaries.

(b) When feasible, hazardous materials such as oil, gas, explosives and chemicals, should not be transported through highly productive commercial,

tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk.

(c) Transportation uses should be located or routed to avoid habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries and environmental or scientific preserves to the maximum extent feasible.

(13) Ocean research. Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.

(a) Ocean research should be encouraged to coordinate with other ocean uses occurring in the same area to minimize potential conflicts.

(b) Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of chapter 173-15 WAC: Permits for oil or natural gas exploration activities conducted from state marine waters.

(c) Ocean research should be located and operated in a manner that minimizes intrusion into or disturbance of the coastal waters environment consistent with the purposes of the research and the intent of the general ocean use guidelines.

(d) Ocean research should be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research.

(e) Public dissemination of ocean research findings should be encouraged.

(14) Ocean salvage. Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.

(a) Nonemergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal waters environment and renewable resource uses such as fishing.

(b) Nonemergency marine salvage and historic shipwreck salvage activities should not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

[Statutory Authority: RCW 90.58.120, 90.58.200, 90.58.060 and 43.21A.681. WSR 11-05-064 (Order 10-07), § 173-26-360, filed 2/11/11, effective 3/14/11. Statutory Authority: RCW 90.58.060 and 90.58.200. WSR 00-24-031 (Order 95-17a), recodified as § 173-

26-360, filed 11/29/00, effective 12/30/00. Statutory Authority: RCW 90.58.195. WSR 91-10-033 (Order 91-08), § 173-16-064, filed 4/24/91, effective 5/25/91.]