

ORDINANCE NUMBER 712

AN ORDINANCE AMENDING THE SHORELINE MASTER PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Department of Ecology approved the City's Shoreline Master Program, adopted by the City on March 17, 1997; and

WHEREAS, The approval by the Department of Ecology was conditioned upon the City making a minor amendment;

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

Section 1. Amendment

The revised Shoreline Master Program, attached hereto, is hereby amended to:

A. Delete Section 1.07, which states, "Due to updated information, research, and recommendations from the 1997 Long Beach Dune Report (written in cooperation with Washington Department of Ecology, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, Washington State Fish & Wildlife Service) this master program shall be the critical area ordinance for the sensitive lands located within shorelines jurisdiction ." and;

B. Add the following wetland buffer language to Section 10.26:

Wetland Buffers for Interdunal Wetlands in the City of Long Beach

<u>Wetland Size</u>	<u>Buffer Width</u>
>0.249 acre	50'
>500 sq. ft. and \leq 0.249 acre	25'
<500 sq. ft.	no buffer required

Buffer averaging may be allowed for unavoidable impacts in wetland buffer areas. Buffer averaging shall neither result in a net loss of buffer area or reduce buffer widths below 25'.

Unavoidable buffer impacts that cannot be mitigated through buffer averaging, shall be mitigated at a 1:1 ratio in a manner consistent with the regulations for mitigating wetland impacts.

Section 2. Severability.

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

Section 3. Repeal of conflicting ordinances

All existing Ordinances are hereby repealed insofar as they may be in conflict with this ordinance.

Section 4. Effective Date.

This Ordinance shall be in full force and effect five days from and after its passage, approval, and publication in the manner required by law.

Passed this 21st day of July, 1997.

AYES _____

NAYS _____

ABSENT _____

ATTEST:

Mayor Ken Ramsey

Clerk

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SECTION 1: TITLE, APPLICABILITY, AUTHORITY, & PURPOSE

- 1.01 This Master Program shall be known and may be cited as the City of Long Beach Shoreline Master Program.
- 1.02 The provisions of this Master Program shall apply to all shorelines, as defined in Chapter 90.58 RCW and WAC 173.16.030, located within the jurisdiction of the CITY.
- 1.03 The primary authority for the passage and enforcement of this master Program is the Shorelines Management Act. Further authority is based on applicable provisions of state planning legislation, including Chapter 35A.63 RCW as amended, and the Growth Management Act, RCW 36.70A
- 1.04 The purpose of this Master Program is to meet local responsibility for the implementation of the policy of the state as given under the provisions RCW 90.58.020 of the Shorelines Management Act and in the state regulations adopted pursuant to Chapter 90.58.050.
- 1.05 The area of Shorelines Management Act jurisdiction for this master plan shall be from the western city limits east to the 1889 Government Line, from south city limits to north city limits.
- 1.06 Where provisions of this master program conflict with each other or with other laws, ordinances, or programs, the more restrictive provisions shall apply.
- 1.07 ~~Due to updated information, research, and recommendations from the 1997 Long Beach Dune Report (written in cooperation with Washington Department of Ecology, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, Washington State Fish & Wildlife Service) this master program shall be the critical area ordinance for the sensitive lands located within shorelines jurisdiction.~~
- 1.08 The maps associated with this master program are a representation of the various environmental designations set forth in this document, however, upon conflict the physical description of such environmental designation set forth herein shall supersede.

SECTION 2: DEFINITIONS

The definitions of this document are herein adopted by reference from RCW 90.58.030, Chapter 173-22 WAC, Chapter 173-26 WAC, and Chapter 173-27 WAC. Additional definitions are contained in Appendix A.

SECTION 3: GOALS

- 3.01 Establish and implement policies and regulations for shoreline use consistent with the Shoreline Management Act of 1971. These policies and regulations should insure that the overall land use patterns that result in shoreline areas are compatible with existing shoreline

environment designations.

- 3.02 Insure that proposed shoreline uses are distributed, located and developed in a manner that will maintain or improve the health, safety and welfare of the public when such uses must occupy shoreline areas.
- 3.03 Insure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.
- 3.04 Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.
- 3.05 Encourage joint-use activities in proposed shoreline developments.
- 3.06 Designated shorelines of state-wide significance- (SSWS) are of value to the entire state and should be protected and managed. In order of preference, the priorities are to:
 - a. Recognize and protect the state-wide interest over local interest;
 - b. Preserve the natural character of the shoreline;
 - c. Result in long-term over short-term benefit;
 - d. Protect the resources and Ecology of shorelines;
 - e. Increase public access to publicly owned areas of the shorelines; and
 - f. Increase recreational opportunities for the public in the shoreline.
- 3.07 Ensure that planning, zoning and other regulatory and non-regulatory programs governing lands adjacent to shoreline jurisdiction are consistent with SMA policies and regulations and the provisions of this SMP.

ECONOMIC DEVELOPMENT

- 3.20 The City of Long Beach was established as a seashore resort by founder Henry Harrison Tinker in 1880. Since the first decade of its existence Long Beach has been one of the most popular seashore resorts on the Pacific Northwest coast. It has remained popular due to its village environment, architectural motif, fresh air and numerous recreational opportunities.

Recognizing the importance of the local economy, the shorelines program establishes goals for economic development to follow. These statements are meant to suggest the kind and extent of economic development that is wanted or felt to be needed by the CITY's citizens.
- 3.21 The program encourages development of waterfront areas on the ocean beach to provide for a mixture of resort and residential uses.
- 3.22 The program provides for the continued development of the tourist industry.
- 3.23 The program specifically discourages industrial development which will pollute the shoreline.
- 3.24 The program seek to enhance ocean beach access and recreational opportunities.

- 3.25 Proposed economic use of the shoreline shall be consistent with local comprehensive plans.

PUBLIC ACCESS

- 3.30 Provide, protect and enhance a public access system that is both physical and visual, utilizing both private and public lands, which increases the amount and diversity of public access to the State's shorelines and adjacent areas, consistent with the natural shoreline character, private rights and public safety.
- 3.31 Improve public access for recreational, educational, and other purposes without substantially damaging the natural and conservancy areas.
- 3.32 Integrate public access to shorelines as a part of the CITY public trail system.
- 3.33 Shoreline recreational facilities and other public access points should be connected by pathways and other access links where appropriate.
- 3.34 Public access areas should be maintained and provide with ancillary facilities such as parking and sanitary facilities where appropriate.

CIRCULATION (LAND, WATER, AIR)

- 3.40 Provide safe, reasonable and adequate circulation systems to shorelines where routes will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.
- 3.41 Locate land circulation systems which are not shoreline dependent as far from the land-water interface as feasible to reduce interference with either natural shoreline resources or other appropriate shoreline uses. Where possible avoid creating barriers between adjacent uplands and the shoreline.
- 3.42 Route transportation corridors to harmonize with the topography and other natural characteristics of the shoreline.
- 3.43 Provide for alternate modes of travel with some freedom of choice and encourage separation of vehicles routes from pedestrian and bicycle trails.

RECREATION

- 3.50 The recreation-leisure industry is the economic base of the CITY'S shorelines. Therefore the CITY should insure optimal recreational opportunities now and in the future in shoreline areas

that can reasonably tolerate during peak use periods active, passive, competitive or contemplative uses without destroying the integrity and character of the shoreline.

- 3.51 Development of tourist related business shall be allowed in appropriate areas to provide for water enjoyment uses.
- 3.52 Encourage shoreline recreational opportunities such as beach combing, surf fishing, clamming, whale and bird watching, kite flying, and building sand castles by facilitating access, providing necessary information (permits, seasonal activities, prime locations), and separating incompatible recreational uses.
- 3.53 A balanced variety of low to high intensity recreational opportunities should be provided.
- 3.54 The joint development and use of recreation and cultural facilities with other governmental or quasi-governmental agencies should be encouraged and supported for areas of mutual concern and benefit.
- 3.56 Encourage federal, state and local government to acquire additional shoreline properties for public recreational uses, particularly west of the development line.

CONSERVATION

- 3.60 The wide expansive ocean beach flanking the city to the west is a significant asset to both residents and visitors of the area. The CITY should preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.

HISTORICAL/CULTURAL LAND USE

- 3.70 Identify, protect, and preserve important archaeological, historical and cultural sites located in shorelands of the CITY for educational, scientific and enjoyment of the general public.
- 3.71 Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation and maritime history.

URBAN DESIGN

- 3.80 The CITY is a mix of urban uses and open space. As such certain areas should be identified for specific urban uses such as resort, residential, and recreational.
- 3.81 Tourist oriented businesses should be located adjacent to the downtown core area (Bolstad to 10th Street South) and where they presently exist. This compact area should be the most densely developed as the location provides convenient access to retail and food service, special events and pedestrian facilities. Due to the very limited area for potential commercial

development building height restrictions should allow for taller structures.

- 3.82 Pedestrian access areas through the dunes and to the shoreline shall be provided.
- 3.83 Utilize publicly owned waterfront lands for active and passive recreation uses.

SHORELINE USE

- 3.90 In effect the entire Master Program constitutes a single extended set of goals, policies, standards, and regulations designed to project and control the use of the shorelines. The goal of these controls is to encourage a variety of uses with minimal adverse environmental impact.

SECTION 4 INTRODUCTION TO POLICIES AND REGULATIONS

- 4.10 The policies and regulations of the following sections constitute a set of controls for the varied uses of and/or modifications to the CITY shorelines. These controls are designed to be the basis of the permit system established by the Shorelines Management Act.

Each section contains statements of policies regarding the use activity covered by it. The policy statements are followed by specific regulations designed to control the use activity(s).

- 4.11 The shorelines within the CITY shall be divided into five categories based upon current and projected uses. These five environmental designations are: Urban Resort, Rural Resort, Rural Residential, Conservancy and Natural.

GENERAL REGULATIONS

- 4.20 All shoreline uses, and shoreline modification activities including those that do not require a shoreline substantial development permit (SDP), must conform to the policies and regulations of this master program.
- 4.21 Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of this master program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.
- 4.22 Only allowed shoreline uses, modification activities and conditions listed shall be eligible for consideration as a shoreline variance or shoreline conditional use permit. Any use not listed as an allowed use or conditional use is prohibited.
- 4.23 The "policies" listed in this master program will provide broad guidance and direction and will be used by the CITY in applying the "regulations".
- 4.24 Where provisions of this master program conflict, the more restrictive of the provisions shall apply unless specifically stated otherwise.

SECTION 5 URBAN RESORT ENVIRONMENT

POLICIES

- 5.10 Urban Resorts are the shoreline areas that are immediately adjacent to the CITY's downtown core. This location provides for convenient access to existing tourism support services within walking distance, is the central location for numerous special events and festivals, and already has necessary infrastructure in place. This is the location where the most dense commercial developments that are necessary for a tourism oriented economy are to be located. Wetland sequencing and avoidance should not required in the Urban Resort Environment.
- 5.11 New commercial development located in shoreline areas should be limited to those which are water-oriented and specifically water-enjoyment uses, and activities.
- Non-water-oriented development is strongly discouraged; however, when permitted, it should not displace water-oriented development in shoreline areas.
- 5.12 New commercial development on shorelines should be encouraged to locate in those areas with existing consistent commercial uses and in a manner that will minimize sprawl and the inefficient use of shoreline areas.
- 5.13 Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of ingress/egress points. Ingress/egress should be designed to minimize potential conflicts with and impact on regular corridor traffic.
- 5.14 Commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.
- 5.15 Multiple use concepts which include open space and recreation should be encouraged in commercial developments.
- 5.16 If development of owner occupied residences appears to be too intensive a future SMP amendment may be necessary to prohibit further residences in the resort areas.

REGULATIONS

- 5.20 Boundaries for the Urban Resort Environment are as follows, according to the official city map at the time of adoption: Eastern boundary is the 1889 Government Line, west to the 1968 Seashore Conservation Line, south boundary is 11th Street South, north to 5th Street South.
- 5.21 The Urban Resort Environment benefits from the location of the Ocean Beach Boardwalk. This unique, regional attraction benefits all adjacent properties by creating a destination point for visitors. The Boardwalk provides the public with panoramic views, interpretive information, barrier free access, and serves as an operational platform for numerous special events and festivals. For the common benefit, preservation of existing aesthetics,

and widespread appeal of the Ocean Beach Boardwalk, the building setback line in the Urban Resort Environment shall remain east of the 1968 Seashore Conservation Line.

5.22 Allowed Uses:

- A. Itinerant lodging and resort developments(excluding recreational vehicle parks);
- B. Restaurants and similar food service businesses;
- C. Taverns and cocktail lounges;
- D. Retail shops such as clothing, merchandise, curio;
- E. Arts and crafts galleries;
- F. Convention facilities;
- G. Performing art complexes and theaters;
- H. Condominiums - transient use of these developments such as time-share condominiums is encouraged, however owner occupied residences is not prohibited.
- I. Parks, trails and recreation areas.

5.23 Conditional Uses:

- A. Amusement related uses and activities, while encouraged by the CITY and recognized as an important segment of the local tourism economy, may be allowed by conditional use. However all proposals shall be scrutinized for compatibility with adjacent uses, noise, appearance and other potentially obtrusive aspects;
- B. Professional services shall be reviewed for appropriateness and may be allowed as a conditional use;
- C. Community centers, government or municipal structures;
- D. Custom manufacturing of goods for retail sale on premise, or cottage industries;
- E. Outdoor merchandising.

5.24 The review and decision making process for conditional use applications shall conform to the standards for conditional uses as set forth in the CITY's zoning ordinance.

5.25 Residences are permitted on 2nd story or higher as long as the first floor is reserved for commercial purposes. Except that 1st story residences are allowed in structures that are exclusively condominiums.

5.26 The minimum lot size shall be 10,000 square feet.

5.27 Maximum lot coverage, defined as the building foot print, shall be 75%.

5.28 Landscaping and Architectural design shall conform to the CITY's zoning ordinance.

5.29 The maximum building height is 55 feet.

5.30 Parking standards shall conform to the CITY's zoning ordinance.

SECTION 6 RURAL RESORT ENVIRONMENT

POLICIES

- 6.10 Rural Resort lands are located north and south of CITY's core and are typically adjacent to residential development. Rural Resorts are the shoreline areas which allow commercial developments that are necessary for a tourism oriented economy, but not at the level of intensity provided for in Urban Resort.
- 6.11 New commercial development located in shoreline areas should be limited to those which are water-oriented and specifically water-enjoyment uses, and activities.
- Non-water-oriented development is strongly discouraged; however, when permitted, it should not displace water-oriented development in shoreline areas.
- 6.12 New commercial development on shorelines should be encouraged to locate in those areas with existing consistent commercial uses and in a manner that will minimize sprawl and the inefficient use of shoreline areas.
- 6.13 Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of ingress/egress points. Ingress/egress should be designed to minimize potential conflicts with and impact on regular corridor traffic.
- 6.14 Commercial development should be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.
- 6.15 Multiple use concepts which include open space and recreation should be encouraged in commercial developments.
- 6.16 If development of owner occupied residences appears to be too intensive a future amendment may be necessary to prohibit further residences in the resort area.

REGULATIONS

- 6.20 Boundaries for the Rural Resort Environment are as follows, according to the official city map at the time of adoption: The eastern boundary is the 1889 Government Line and the west boundary is the 1980 Seashore Conservation Line and inclusive are the following parcels; Tax Lots 111, 148, 172, 172 W, 173, 115; from 11th Street South, south 100', from Shoreview Drive to the 1980 SCL; from 4th Street North north 100'; from 24th Street North (south side of Breakers) north to city limits.
- 6.21 The building setback line shall be on the east side of the 1980 Seashore Conservation line.
- 6.22 Allowed Uses:
- A. Itinerant lodging and resort developments(excluding recreational vehicle parks);
 - B. Restaurants and similar food service businesses in association with the uses listed in A., above, but not as a stand alone business.
 - C. Taverns and cocktail lounges in association with the uses listed in A., above,

but not as a stand alone business.

D. Convention facilities;

E. Condominiums - transient use of these developments such as time-share condominiums is encouraged, however owner occupied residences is not prohibited.

F. Parks, trails and recreation areas.

6.23 Conditional Uses:

A. Community centers, government or municipal structures;

B. Cottage industries may be allowed by a conditional use permit however such cottage industries shall: be handcraft oriented; and shall not be open for business prior to 10:00 a.m. nor later than 5:00 p.m.

6.24 The review and decision making process for conditional use applications shall conform to the standards for conditional uses as set forth in the CITY's zoning ordinance.

6.25 Residences are permitted on 2nd story or higher as long as the first floor is reserved for commercial purposes. Except that 1st story residences are allowed in structures that are exclusively condominiums.

6.26 The minimum lot size shall be 10,000 square feet.

6.27 Maximum lot coverage, defined as the building foot print, shall be 75%.

6.28 Landscaping and Architectural design shall conform to the CITY's zoning ordinance.

6.29 The maximum building height is 55 feet.

6.30 Parking standards shall conform to the CITY's zoning ordinance.

SECTION 7 RURAL RESIDENTIAL ENVIRONMENT

POLICIES

7.10 Rural residential are the shorelines which accommodate single and multi-family development.

7.11 Itinerant use of condominiums should be allowed, however if such developments become too intrusive on permanent residents an amendment may be necessary to prohibit transient oriented use.

REGULATIONS

7.20 Boundaries for the Rural Residential Environment are as follows, according to the official city map at the time of adoption: The east boundary is the 1889 Government Line and west boundary is the 1980 Seashore Conservation Line, and inclusive are the following

parcels of land; from 20th Street South to 50' north; from 18th Street South to 150' south; from 100' south of 17th Street South, north to 15th Street South; from 14th Street South, south 150'; from 13th Street South, north mid-block between 11th Street South and 12th Street South; from 11th Street South, south 100' and west to the Shoreview Drive; from 100' south of 5th Street North to 8th Street North; from 14th Street North to 16th Street North and west to Shoreview Drive; the area from 16th Street North to 24th Street North except for the lands west of tax lots 141, 181, 137, 161, 112, 115, and 132.

- 7.21 The building setback line shall be east of the 1980 Seashore Conservation Line.
- 7.22 Allowed Uses:
- A. Single and multi-family residential developments are permitted including condominiums. Permanent residential development is encouraged. Time-share condominiums are not currently prohibited. However condominiums shall not operate as an itinerant accomodation.
- 7.23 Conditional Uses:
- A. Bed and Breakfasts may be allowed by a conditional use permit.
 - B. Cottage industries may be allowed by a conditional use permit however such cottage industries shall: be handcraft oriented; and shall not be open for business prior to 10:00 a.m. nor later than 5:00 p.m. The review and decision making process for conditional use applications shall conform to the standards for conditional uses as set forth in the CITY's zoning ordinance.
- 7.24 Commercial development other than those mentioned in 7.22 and 7.23, is prohibited.
- 7.25 The minimum lot size shall be 10,000 square feet for the first dwelling with an additional 2000 square feet for each additional dwelling unit.
- 7.26 The maximum lot coverage, defined as the building foot print, shall be 50%.
- 7.27 Minimum setbacks for developments in the residential shoreline are as follows:
Front yard - 10 feet
Side yard - 5 feet
Rear yard - 10 feet
- 7.28 Applicable landscaping and architectural design shall be in conformance with the CITY'S Zoning Ordinance.
- 7.29 Maximum allowable height is 35 feet.

SECTION 8 CONSERVANCY

POLICIES

- 8.10 The Conservancy Environment contains approximately 50% of the land area of the

CITY's shoreline jurisdiction and provides approximately 200 acres for open space, recreation, public access and view corridors. Additionally this environment provides wild life habitat. The 1997 Dune Management Report identifies 36.54 acres of wetlands in the Conservancy Environment which represents 51.53% of the total wetlands in the CITY's shorelands. Fortunately the majority of these sensitive lands are owned by the Washington State Parks and Recreation Commission. These shorelands are within the purview of the Public Trust Doctrine.

- 8.11 The Conservancy Environment west of 1980 Seashore Conservation Line also serves as a storm buffer between the Pacific storms and the development line. The area between the 1980 and 1990 Seashore Conservation Lines (approximately 250' in an east-west direction) is characterized by dunes up to 28' MSL, and swales. This area, immediately east of the primary dune, is commonly referred to as the secondary dune. These lands, along with the primary dune, physically absorb the brunt of winter gales. They serve as Long Beach's front line of protection.
- 8.12 To protect the public's interest in Conservancy Environment lands, and to prevent that interest from being harmed, the CITY shall restrict development within Conservancy Environment to public access and public facilities.

REGULATIONS

- 8.20 Boundaries for the Conservancy Environment are as follows, according to the official city map at the time of adoption: From south city limits to north city limits, from the 1980 Seashore Conservation Line west to the 1990 Seashore Conservation Line and all lands east of the 1980 Seashore Conservation Line owned by Washington State Parks and Recreation Commission.
- 8.21 The building setback line shall be east of the 1980 Seashore Conservation Line except between 4th Street South and Bolstad Avenue the building setback line is east of the 1968 Seashore Conservation Line. Construction and maintenance of beach access roads, paths, and comfort stations and the boardwalk may be located further west.
- 8.22 Allowed Uses:
- A. Interpretive, educational, and museum facilities should be located adjacent to the Rural Resort area.
 - B. Construction and maintenance of a boardwalks and the necessary utilities.
 - C. Construction and maintenance of beach access roads, paths, and comfort stations.
- 8.23 Those parcels of state parks land located adjacent to shorelines residential areas should be kept as natural as possible, but pathways, parking and comfort station development is encouraged.
- 8.24 Public lands should provide pathways for safe, low impact travel through the dunes.
- 8.25 All alterations or developments shall be reviewed for compatibility with the surrounding environment, effect on public access, and the level of public benefit.

- 8.26 Removal of sand west of the grass line shall be permitted in accordance with the applicable Washington Administrative Codes.
- 8.27 Mitigation, for wetlands filling in other environmental designations, is allowed in the Conservancy environmental designation.

SECTION 9 NATURAL

POLICIES

The Natural Environment is that area west of the 1990 Seashore Conservation Line to a point 3 miles into the Pacific Ocean. The dominant feature of this environment, after the Pacific Ocean, is the primary dune. The Natural Environment is that area where the grassy dune system becomes open, sandy beach and finally ocean. This special environment is afforded additional protection under the Public Trust Doctrine.

- 9.11 The CITY should facilitate public access, use and enjoyment to these shorelines.
- 9.12 The CITY minimize any disturbance to this environment by limiting improvements to those that serve the common good.

REGULATIONS

- 9.20 Boundaries for the natural environmental area shall be from the western jurisdiction of the city east to the 1990 Seashore Conservation Line, from south city limits to north city limits.
- 9.21 Allowed Uses:
 - A. All development in the natural area shall be prohibited except for the construction and maintenance of beach access roads, boardwalk, pathways, underground utility lines, and mitigation for filling wetlands in other environmental designations.
 - B. Recreational uses and activities are permitted.
- 9.22 Physical alternations should only be considered when they serve to protect significant, unique or highly valued feature which might otherwise be degraded or destroyed.
- 9.23 Dunal areas shall not be altered except for roads and utilities on public right of way and preserving views from ocean beach boardwalk.
- 9.24 Removal of sand west of the grass line shall be permitted in accordance with the applicable Washington Administrative Codes.

SECTION 10 WETLANDS

POLICIES

- 10.10 The interdunal area on the west edge of Long Beach is pocketed with wetland areas. These young wetlands were created by a combination of beach accretion, wind, and human activities. They perform valuable functions and provide a number of benefits. They support plant communities which in turn provide habitat for a limited amount of wildlife and contribute to the recreational, educational, and aesthetic setting of Long Beach. The excerpt below, from 1997 Long Beach Dune Management Report, summarizes the characterization of the subject wetlands:
- ! There is a total of 70.91 acres of wetlands in the subject area, which is 15.26% of the total land area.
 - ! The wetland areas tend to occur at or below fourteen feet in elevation.
 - ! The wetlands are predominantly seasonal with 75.4% of the total number of wetlands being less than 0.25 acres in size.
 - ! The largest wetland class is emergent, which includes 64.17% of the total number of wetlands.
 - ! There are only two wetlands equal to or larger than five acres in size.
 - ! Wetlands are found throughout the study area, but are more concentrated in the eastern and southern portions of the study area.
- 10.11 The Growth Management Act directs cities to provide for dense development with urban areas, while simultaneously protecting sensitive areas. Therefore the CITY should provide the ability to fill wetlands with mitigation and preservation of high quality environments to allow for development on private property as intended in the Growth Management Act.
- 10.12 The single largest environmental designation, as measured by total land area, within the CITY is Conservancy. The majority of the Conservancy Environment lands are owned by the Washington State Parks and Recreation Commission. Conservancy represents approximately 50% of the area within shoreline jurisdiction. Conservancy also contains the majority of wetlands, approximately 52%. It is the objective of the CITY to preserve these public wetlands as areas for wildlife habitat, passive recreation, education and open space.

REGULATIONS

- 10.20 Any impacts to any wetland greater than 500 square feet in size shall require mitigation. However fill of individual wetland(s) up to a total of 500 square feet per project shall be exempt.
- 10.21 The following wetland mitigation/preservation options for filling and/or disturbing (including development within wetland buffers) are:
- A. Single Family Residential Development - On lots existing at the time of 1997 Shoreline Master Program adoption, for single family residential development the creation of wetlands on-site will be at a minimum 1.5 acres for every 1 acre of wetland fill (1.5:1); and/or,

B. Single, Multi-Family and Commercial Development - Coastal dune habitat will be preserved at a minimum ratio of 3:1 (3 acres preserved for every 1 acre of wetland filling and/or disturbance), west of the 1968 Seashore Conservation Line. The mitigation area may include either upland or wetlands. Preservation means recording of a perpetual conservation easement or transfer of ownership to the City or State of Washington; and/or

C. Off-Site preservation of high quality wetlands on the Long Beach Peninsula at a minimum ratio of 6:1 (6 acres preserved for every 1 acre of wetland filling and/or disturbance). Proposed high quality wetland sites must be approved by W.D.O.E. and U.S. Army Corps of Engineers.

10.22 Mitigation/preservation proposals, other than those specifically noted above, shall be reviewed on a case-by-case basis by the affected regulatory agencies.

10.23 In those instances where wetlands alterations are proposed and the exemptions recommended above are to be exceeded, the following mitigation sequence shall be considered:

! Avoiding the impact altogether by not taking a certain action or parts of an action;

! Minimizing 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;

! Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

! Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

! Compensating for the impact by replacing or providing substitute resources or environments; and/or

! Monitoring the impact and taking appropriate corrective measures.

10.24 The Urban Resort Environment shall be exempt from mitigation sequencing and avoidance.

10.25 Wetland fill in the Conservancy and Natural environmental designations are prohibited except to maintain and improve existing roads, trails, and other structures. Wetland fill in these environments shall be mitigated as provided for in 10.21(B) and (C).

10.26 Wetland buffers for interdunal wetlands in the City of Long Beach:

<u>Wetland Size</u>	<u>Buffer Width</u>
>0.249 acre	50'
>500 sq. ft. and ≤ 0.249 acre	25'
<500 sq. ft.	no buffer required

Buffer averaging may be allowed for unavoidable impacts in wetland buffer areas. Buffer averaging shall neither result in a net loss of buffer area or reduce buffer widths below 25'.

Unavoidable buffer impacts that cannot be mitigated through buffer averaging, shall be mitigated at a 1:1 ratio in a manner consistent with the regulations for mitigating wetland impacts.

SECTION 11 TRANSPORTATION INFRASTRUCTURE

POLICIES

- 11.10 New roads in shoreline areas should be minimized and allowed only when related to and necessary for the support of shoreline activities.
- 11.11 New transportation infrastructure should be located and designed to minimize the need for shoreline protection measures.
- 11.12 Trail systems for pedestrians and bicycles should be encouraged along shoreline to the maximum extent feasible.
- 11.13 All transportation facilities in shoreline areas should be located, designed, constructed and maintained to cause the least possible adverse impacts on land water environments.
- 11.14 Joint use of transportation corridors within shoreline areas for roads, utilities and non-motorized forms of transportation should be encouraged.

REGULATIONS

- 11.20 Transportation and utility facilities shall be required to make joint use of rights-of-ways in order to minimize disturbance in shoreline areas.
- 11.21 Shoreline transportation infrastructure shall be designed to fit the existing topography in order to minimize cuts and fills.
- 11.22 Major roads shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause more damage to the environment.
- 11.23 Filling of wetlands to provide for road construction is subject to the criteria set forth in Section 10.
- 11.24 Roads shall be located if possible, to minimize the need for routing surface waters into and through culverts.
- 11.25 All shoreline areas disturbed by transportation infrastructure construction and maintenance shall be replanted and stabilized with native vegetation.

11.26 Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (RCW 35.79.035 and RCW 36.87.130).

SECTION 12 UTILITIES

POLICIES

12.10 Utilities should utilize existing transportation and utility rights -of-way whenever possible. Joint use of rights-of-way should be encouraged.

12.11 Utility facilities should be located so as to protect scenic views.

12.12 Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land use.

REGULATIONS

12.20 All utility lines and extensions, including electricity shall be located underground.

12.21 Transmission and distribution facilities shall cross shorelines areas by the shortest most direct route feasible, unless such route would cause significant environmental damage.

12.22 Applications for installation of utility facilities shall include the following:

- (a) Description of proposed facilities;
- (b) Reason(s) why the utility facility requires a shoreline location;
- (c) Alternative locations considered and reasons for their elimination;
- (d) Plans for reclamation of areas disturbed during construction;

SECTION 13 SIGNS

The placement of signs within shoreline jurisdiction shall be controlled by the City of Long Beach Zoning Ordinance.

SECTION 14 RECREATION

POLICIES

14.10 A variety of recreational experiences should be encouraged to satisfy diverse recreational needs and demands.

14.11 The linkage of recreation areas, public access points, and shoreline resort businesses by pedestrian paths, horse trails, bicycle paths, and/or scenic drives, should be encouraged.

14.12 The coordination of local, state and federal recreation planning is encouraged. The review of proposals for public or private developments should consider the effects on existing plans for recreational developments, designations or systems.

14.13 Recreational developments should be designed to preserve, enhance or create scenic views and vistas. Favorable consideration should be given to those projects that compliment their environment.

REGULATIONS

14.20 A public pedestrian pathway shall be developed throughout the shoreline area, meandering through the dunal area with side paths to the ocean beach. The size, number and proximity of pathways shall be based on the type and intensity of adjacent uses. In residential areas one connecting pathway every few blocks should suffice. In resort areas, each resort shall provide a connecting trail to the main pathway. Resort developments between 10th Street South and Bolstad Avenue shall be required to provide a pathway and staircase, or preferably a similar boardwalk structure, to the ocean beach boardwalk near the primary dune. It is not intended that each business have its own pathway but at least one pathway shall be provided every two hundred (200) feet. Motels, condominiums and like developments shall have greater responsibility in developing such pathways than small curio type shops.

14.21 Pathways shall be constructed to conform to State Parks Pathway Development Standards.

14.22 State and local health agencies have broad regulations which apply to recreational facilities and the ocean beach. Such regulations shall be considered when issuing permits.

14.23 Development of parking lots and comfort structures (restrooms) are encouraged on vehicular beach accesses.

14.24 In approving shoreline recreational developments, the CITY shall ensure that the development will maintain, enhance or restore desirable shoreline features including fragile areas, scenic view and aesthetic values. To this end the CITY may adjust and/or prescribe project dimensions, location of project components on the site intensity of use screening, parking requirements and setbacks, as deemed appropriate to achieve this intent.

14.25 Proposals for recreational developments shall include a landscape plan. Native, self-sustaining vegetation is preferred.

SECTION 15 LANDFILL

POLICIES

15.10 Landfills are allowed for the development of uses which are consistent with this master program.

REGULATIONS

15.20 Applications for landfill permits shall include the following:

- a) Proposed use of the landfill area;
- b) Source of landfill material;
- c) method of placement and compaction;
- d) Location of landfill relative to natural or existing drainage patterns and

wetlands; and
e) Type of surfacing and runoff control devices.

- 15.21 Landfills shall be associated with an allowed use or activity.
- 15.22 Landfill materials shall not be contaminated, nor contain any hazardous wastes, debris or junk.
- 15.23 Sanitary landfills are prohibited.
- 15.24 Erosion control devices shall be utilized where erosion to landfills and adjacent property may occur.
- 15.21 Landfills on wetlands are subject to the criteria set forth in Section 10.

SECTION 16 ADMINISTRATION

- 16.01 **ADMINISTRATOR**-The Administrator or his duly authorized designee shall be responsible for: providing information on the Chapter 90.58 RCW, this master Program and related matters; accepting and processing permit applications and notification; evaluating and preparing final orders granting or denying applications; and, doing, those tasks necessary for the administration and enforcement of this Master Program which are not assigned to another person herein or hereafter by the Mayor or City Council.
- 16.02 **APPLICABILITY OF POLICIES AND REGULATIONS**-No development on shorelines of the state shall be undertaken by any person unless it is consistent with the policies and provisions of the Chapter 90.58 RCW and the policies, regulations and other provisions of this Master Program.
- 16.03 **PERMITS REQUIRED FOR SUBSTANTIAL DEVELOPMENT**-No substantial development on shorelines shall be undertaken by any person without first obtaining a substantial development permit. A permit shall be granted only when the proposed development is consistent with the policies and provisions of the Chapter 90.58 RCW and with the policies, regulations and other provisions of this Master Program.
- 16.04 **PERMIT APPLICATION REQUIRED FOR DEVELOPMENT**-No development on shorelines shall be undertaken by any person without first filing an application for substantial development permit and obtaining summary approval by the Administrator. Summary approval shall be granted only when the proposed development is consistent with the policies, regulations and provisions of this Master Program.
- 16.05 **EXEMPTIONS**-The Administrator shall issue a written exemption for uses and activities that are categorically excluded from the definition of substantial development after review of a completed application for substantial development permit as listed in WAC 173-27-040 as amended. An exemption shall be granted only when the proposed use or activity is

consistent with the policies, regulations and other provisions of this Master Program. The City shall issue an exemption letter per criteria 173-27-050.

- 16.06 TIME REQUIREMENT OF PERMIT-The exercise of a substantial development permit, once approved by City of Long Beach and authorized by the Department of Ecology, shall conform to time requirements specified by WAC 173-27-090.
- 16.07 NOTICE-Upon submittal and acceptance of a completed application for a substantial development permit, the Administrator shall publish notice of the application in conformance with RCW 90.58.140(4). Notice of the application for substantial development permit shall conform with WAC 173-27-110. Within thirty days of the last publication of such notice, any interested person may submit his views on the Administrator of his desire to be notified of the action taken.
- 16.08 PERMIT APPLICATIONS-Applications for a substantial development permit shall be made to the Administrator by the property owner, lessee, contract purchaser, other person entitled to possessions of the property, or by an authorized agent. Applications shall be; made on forms supplied by the Administrator and such forms shall conform to WAC 173-27-180 and 173-27-190.
- 16.09 FEES-Application fees shall be set by Ordinance of the City Council.
- 16.10 REVIEW OF APPLICATIONS
- A. The Long Beach Hearings Examiner shall review substantial development permit applications based on criteria set forth under WAC 173-27-150.
 - B. The Hearing Examiner shall review conditional use and variance requests and then make the final decision subject to review by Department of Ecology per criteria Washington Administrative Code 173-27.

SECTION 17 CONDITIONAL USES, VARIANCES AND NONCONFORMING DEVELOPMENT

- 17.10 The review criteria for conditional uses are adopted herein by reference from WAC 173-27-160 as amended.
- 17.11 The review criteria for variances are adopted herein by reference from WAC 173-27-170 as amended.
- 17.12 The standards for non-conforming developments are adopted herein by reference WAC 173-27-080 as amended.