

RESOLUTION NO. 2006-030

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

A RESOLUTION AMENDING THE SHORELINE MASTER PROGRAM TO ESTABLISH A FIXED BUILDING SETBACK LINE ALONG THE OCEAN FRONTAGE NORTH OF THE CITY OF LONG BEACH ON THE LONG BEACH PENINSULA.

WHEREAS, primary responsibility for initiation and administering the regulatory program of the Shoreline Management Act of 1971 has been assigned to local government; and

WHEREAS, the County has taken the necessary steps, as required by state law and regulation, to prepare a Master Program; and

WHEREAS, RCW 90.58.080 provides the timetable for mandatory updates of Shoreline Master Programs; and

WHEREAS, Pursuant to RCW 90.58.080, Pacific County is required to update its Master Program by the year 2014; and

WHEREAS, this amendment request is minor in nature and consistent with the process and policy requirements for "minor" or "less than comprehensive amendments" enumerated in Chapter 173-26 WAC; and

WHEREAS, the amendment will provide a "fixed" line of development along the oceanfront north of the City of Long Beach and eliminate the leapfrog pattern of development to the west;

WHEREAS, the amendment will eliminate the need to re-survey the oceanfront to determine the westerly extent of the grassline; and

WHEREAS, the fixing of the building setback line along the oceanfront will provide a level of certainty for view preservation and dunal protection for property owners in this portion of the Long Beach Peninsula; and

WHEREAS, the elimination of future development westerly in the dunes north of the City of Long Beach will enhance the environmental qualities of the beach front and the dunal area; and

WHEREAS, the proposed amendment is not inconsistent with the policies and requirements of the current Master Program established to manage and protect the shorelines of the state in a manner which promotes the welfare of the people of the

county and of the state generally and which carries out the intent, policy and specific provisions of the Shoreline Management Act of 1971;

WHEREAS, the proposed amendment is minor in nature, and does not detrimentally impact the public health, safety and welfare; now therefore,

IT IS HEREBY RESOLVED that the Board of Pacific County Commissioners acknowledges the Pacific County Planning Commission's final Determination of Non-Significance, adopts the attached Findings of Fact marked as Exhibit A, accepts the attached record compiled by the Pacific County Planning Commission marked as Exhibit B and amends the Pacific County Shoreline Master Program as follows:

### SECTION 21 - DUNES

- A. The following criteria shall be applied within a protective strip of dune land, defined below, which is designated as a *natural* environment on the Map.
1. The width of the protective strip shall be measured inland from the 1993 Grassline as drawn by Pacific County.
  2. The width of the protective strip shall be 100 feet along all ocean beaches.
  3. Within the protective strip, any use shall be prohibited which in any manner may damage, destroy or remove any sand dune or part thereof or may kill, destroy or remove dune grass, shrubbery or other vegetation growing on the sand dune, except that roads, trails, walkways or other means of access to the beach may be permitted provided their effects on the dune land and vegetation is minimal.
  4. Individual or private means of improved access across the protective strip to the beach shall be prohibited except where it can be shown that a community or joint means of access is not possible and that no public means of improved access exists within 5,000 feet of the proposed facility.
- B. A building setback line shall be established easterly from the protective strip (Subsection 21.A.). Any structure, including the expansion or alteration of existing structures, shall be prohibited seaward of the setback line. However, the dune land between the setback line and the protective strip may be modified subject to the following regulations:
1. Written notification shall be submitted by the land owner to the Administrator on a form to be provided by him prior to beginning of dune modification operations. Such notification shall include the approximate date on which the operation will begin, the location and size of the area to

be modified, a description of the operation and any other necessary information required by the Administrator.

2. Dune modification operations shall not in any manner affect or alter the protective strip of dune land.
3. Dune modification operations shall not damage or remove the natural vegetation, unless the disturbed area is revegetated or otherwise protected from wind erosion within one growing season following the beginning of operations.
4. The use of sand for fill shall be permitted provided that the fill takes place within the same parcel of property on which the sand is found.

C. The building setback lines (Subsection 21.B.) shall be located easterly of the protective strip (Subsection 21.C.) and shall be determined as follows:

1. From North Head to the southern boundary of the Town of Long Beach-- 200 feet easterly from the Seashore Conservation Line, as surveyed by the State of Washington in 1968 or, where said line was not surveyed, 200 feet landward from the ordinary high water mark.
2. From the northern boundary of the Town of Long Beach to a line 800 feet south of the boundary between townships 12N and 13N (the northern edge of Surfside Estates)--one fourth (1/4) of the distance from the upland edge of the protective strip (Subsection 21.A.) to the so-called "western boundary of upland ownership" line; except, that wherever the "western boundary of upland ownership" lies westerly of the upland boundary of the protective strip (Subsection 21.A.), the protective strip upland boundary shall be the building setback line.
3. From the line 800 feet south of the boundary between townships 12N and 13N to southern boundary of public (state) ownership-- 300 feet.
4. Ocean coast north of the mouth of the Willapa Bay--300 feet, except on state owned land.

D. The use restrictions defined under other sections of this Master Program shall apply to the dune land easterly of the building setback line and coming under the jurisdiction of the Act.

E. Building setbacks, protective strip widths and other environmental designations on state-owned lands shall be as shown on the Shoreline Map.

PASSED by the Board of Pacific County Commissioners in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage the 25<sup>th</sup> day of April, 2006:

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

BOARD OF PACIFIC  
COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

ATTEST:

Kathy Noren  
Kathy Noren  
Clerk of the Board

Jon C. Kaino  
Jon C. Kaino, Chairman

Norman (Bud) Cuffel  
Norman (Bud) Cuffel, Commissioner

Pat Hamilton  
Pat Hamilton. Commissioner

## EXHIBIT A

### Findings of Fact (Shorelines Master Program Amendment)

1. Pacific County adopted a Shoreline Master Program consistent with the intent, policy and specific provisions of the Shoreline Management Act of 1971.
2. RCW 90.58.080 provides the timetable for mandatory updates of Shoreline Master Programs. Pacific County is required to update its Shoreline Master Program by the year 2014.
3. Chapter 173-26 of the Washington Administrative Code defines the process and policy requirements for "minor" or "less than comprehensive amendments".
4. This amendment is considered a "minor" or "less than comprehensive amendment" because it does not involve a change in use nor does it cause an increase of densities or development to shorelines areas.
5. The public has had ample opportunity to comment on the proposed amendment. The County has complied with public notification requirements within Resolution 96-032 and Ordinance 145.
6. Pacific County has complied with the notification, procedural and substantive requirements of SEPA, Pacific County Ordinance No. 121.
7. The Pacific County Planning Commission conducted an initial workshop on February 3, 2005 to scope this potential amendment.
8. The Pacific County Planning Commission conducted a public hearing on December 8, 2005 to receive public input and to consider the proposed amendment in open session.
9. The Board of County Commissioners conducted a public hearing on March 14, 2006 to consider the Planning Commission's recommendations. The Board of County Commissioners approved the proposed amendment subject to the preparation and subsequent approval of Findings of Fact.
10. Notice of public workshops and hearings were advertised in the Chinook Observer.
11. Following completion and review of a SEPA checklist, review of a preliminary determination of non-significance, and a public hearing, the Planning Commission issued a final DNS for the proposed amendment on December 8, 2005.

12. The amendment will fix the building setback line north of the City of Long Beach by eliminating the need to resurvey the grass line every five years. The base grassline used for establishing the building setback line is the 1993 grassline as established by Pacific County.
13. The "fixing" of the building setback line will eliminate the leapfrogging of development along the coastline and provide a westerly line of development. This fixed line will provide development certainty to landowners as views won't be compromised with the westerly expansion of the patterns of development.
14. The "fixing" of the building setback line along the oceanfront will provide a level of certainty for view preservation and dunal protection for property owners in this portion of the Long Beach Peninsula.
15. The elimination of future development westerly in the dunes north of the City of Long Beach will enhance the environmental qualities of the beachfront and the dunal area.
16. The removal of the ability to continually relocate development westerly will reduce the threat of flooding as the beach continues to accrete and the primary dune continues to build and mature.
17. The proposed amendment impacts approximately 12 miles of coastline and approximately 550 - 600 parcels of land.