

Differences Between The CREST and Property Board SMP

In creating this SMP, considerable effort was made in reviewing the DOE approved SMPs from other counties to ensure that Wahkiakum County was not being held to a higher standard than anyone else. Many changes from the baseline CREST SMP resulted. Another of our goals was to make the document more readable and user friendly. In so doing we consolidated requirements for a given subject area to a single section of the SMP and added some definitions to make the intent of the requirements more clear. We also eliminated any strict requirements for reports by qualified professionals, instead giving the Shoreline Administrator the discretion to decide when a professional assessment is required, and the scope of that report.

Administration Section

1. WAC 173-26-191 allows us to include administrative, review and enforcement procedures in a document separate from the SMP. The advantage of doing that is that the separate document and subsequent changes would be completely under county control, and not subject to approval by DOE. Accordingly, some of these details have been deleted from the administration section of the CREST SMP. The separate document is referred to in our SMP as the "Shoreline Master Program User Guide". If Chuck Beyer wants to call it something different, we can make that change.
2. The CREST SMP requires the Shoreline Administrator to annually review permits and exceptions from the previous year to determine their cumulative impacts and make a written determination on whether there may or may not have been a net loss of shoreline functions. Our SMP allows for also considering the positive impacts of restoration projects by groups such as Columbia Land Trust and WDFW in this determination.

Definitions Section

1. The word "should" is a required action in the CREST SMP, but is advisory in this SMP.

Shoreline Jurisdiction and Environment Designations Section

1. In the CREST SMP, if any portion of a particular critical area is in shoreline jurisdiction, then that entire critical area is subject to SMP regulations. In our SMP, only that portion of a critical area actually in shoreline jurisdiction is subject to SMP regulations. This is the same approach adopted by the Town of Cathlamet.

Goals, Policies, & Regulations Section

1. Public access. The CREST SMP requires a developer to include public access provisions for non-water oriented commercial/industrial uses even if the development is on private property. The developer is also required to provide facilities for use by the public such as viewing areas,

restrooms, picnic tables and parking. RCW 90.58.100 clearly requires public access only on public property. This SMP is in line with the RCW.

2. Biosolids. The CREST SMP prohibits application of biosolids in shoreline jurisdiction. This SMP expands that area to include lands immediately adjacent to the shoreline from which runoff from biosolids can be reasonably anticipated.

3. The CREST SMP prohibits new private boat launches. This SMP allows such boat launches when existing facilities are inadequate.

4. Shoreline Restoration Plan. The CREST SMP requires implementation of the Shoreline Restoration Plan without regard for the availability of funds. This SMP places the burden for funding this plan on grants and legislative funds administered by state agencies, and states that there is no requirement for the county, port districts, or private property owners to fund these projects. Note: A draft Restoration Plan dated March 31, 2016 was delivered by CREST to the Planning Commission, but no action has been taken. According to the April 3, 2018 letter from DOE, that plan is required to be submitted along with the SMP.

5. Residential.

a. The CREST SMP prohibits multifamily residences. This SMP does not.

b. The CREST SMP prohibits new overwater residences. This SMP allows conversion of an existing overwater structure into a residence.

c. The CREST SMP includes regulations for land divisions and lot line adjustments. This SMP does not. Our existing subdivision ordinance should be sufficient.

d. With regard to floating homes, the CREST SMP imposes requirements that are contrary to the grandfathering provisions elsewhere addressed in the SMP as well as the "conforming preferred use" status conferred on these structures by RCW 90.58.270. This SMP does not include those provisions.

Critical Areas Section

1. The CREST SMP includes a requirement for a "Critical Area Permit". This SMP only requires an assessment by the Shoreline Administrator if he believes that a proposed use or development may impact a critical area or be impacted by the presence of a critical area. While the Shoreline Administrator may require a Critical Area Report to substantiate approval of a shoreline permit, no additional permit is required.

2. The CREST SMP is fairly strict about when a Critical Area Report is required and its required content. This SMP gives complete discretion to the Shoreline Administrator to make these determinations, thus minimizing the number of reports required and tailoring reports to the specific situation.

3. The CREST SMP requires that the owner of a property containing a critical area or buffer on which a development proposal is submitted to record a notice with the county which would run with the land. The notice would include the presence and location of the critical area/buffer, the applicability of the SMP to the property, and the limitations on actions in or affecting critical areas as approved by the Shoreline Administrator. There is no RCW or WAC requirement for such a notice, and it is not included in this SMP.
4. Wetland buffer widths in the CREST SMP did not take advantage of allowed reduction in width based on the habitat rating of the wetland. This SMP includes those potential reductions.
5. Fish and Wildlife Habitat Conservation Areas (FWHCA) include any areas in which there are species identified in WDFW's Priority Habitat and Species List. Included in this list are Columbia Whitetail Deer, Columbia Blacktail Deer and elk, essentially making the entire county a critical area. This SMP limits the FWHCA to those areas where there are endangered, protected and threatened species.