ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED AMENDMENTS TO THE TOWN OF TWISP
SHORELINE MASTER PROGRAM

SMP Submittal April 1, 2011, Resolution No. RES 10-470
Prepared by Clynda A. Case, on August 25, 2011

Brief Description of Proposed Amendments:

The Town of Twisp is proposing a Comprehensive Update (amendment) to their Shoreline Master Program (SMP). This is the first amendment since their initial SMP was adopted in 1987. Twisp is located in central Okanogan County at the juncture of two rivers – the Twisp River and the Methow River. The Twisp area of Okanogan County has been the focus of many flood reduction projects and fish and habitat restoration projects. The Town has included important critical areas, such as wetland, geohazards and flood protection standards directly into their SMP. These standards have been balanced with current development patterns and future projected uses of the shoreline as well as identification of shoreline restoration opportunities.

FINDINGS OF FACT

Need for Amendment: The proposed comprehensive update is needed to comply with the statutory deadline for a comprehensive update of the SMP. The proposed amendments will also remedy inconsistencies among the SMP, zoning ordinance and comprehensive plan, including the current critical areas ordinance, for the purposes of shorelines and growth management integration. It has been 24 years since Okanogan County and shoreline cities completed a thorough review and update of their shoreline protection measures. During that period, better scientific studies have been developed on the subjects of critical areas, wetland and riparian functions, nearshore processes, and landscape/ecosystem analyses. The county and town determined that better scientific information required a new inventory and analysis of its shoreline resources. This submittal reflects the result of completing the new comprehensive inventory and analysis.

SMP Provisions To Be Changed By The Amendment As Proposed: The submittal is a comprehensive SMP update designed to satisfy the SMP guidelines requirements (WAC 173-26) and replace the existing SMP in its entirety.

Amendment History, Review Process: The town indicates the proposed SMP update originated from a local planning process that began in June 2006. From 2006 through early 2010, the Twisp Planning Commission received briefings on the regional SMP update process that was ongoing with city and county planning officials and a citizen’s advisory committee. The citizen’s advisory committee was a diverse group of people selected by a panel of elected officials representing the cities of Brewster, Okanogan, Omak, Oroville, Pateros, Tonasket, Twisp, Winthrop as well as rural Okanogan County. Other representatives were selected from the public to represent a wide variety of interest groups and users of the shorelines. In addition, the committee included representatives from various state agencies and public utility districts. Representatives from local Tribal Nations were also invited and did participate. Staff members from each of the participating jurisdictions are actively involved to provide staff recommendations and serve as resources for the committee.
The planning commission had opportunities to discuss the efforts at nearly every monthly meeting. In February 2010, the Commission began a chapter-by-chapter review, hosted two public information sessions which resulted in modifications to the original draft presented to the public. The Twisp Planning Commission reviewed and discussed the updated SMP during the Planning Commissions regular monthly meetings on the 2nd and 4th Wednesday of each month. The Planning Commission held open meetings that were well attended to provide opportunity for public testimony on the updated SMP, including two public information sessions on May 1st and May 19th, 2010. The information session input concluded with a recommendation to Council for adoption at the May 26th, 2010 Planning Commission Meeting with approved changes to the regional SMP. The Town Council passed a resolution of intent (RES 10-470) to adopt the document, contingent on required changes provided by DOE. SEPA comments were sent to agencies and Notice was given in the Methow Valley News with SEPA ending Aug. 9th, 2010. With passage of Resolution RES 10-470 the Town authorized staff to forward the proposed update to Ecology for approval.

The proposed SMP update was received by Ecology for state review and verified as complete on May 3, 2011. Notice of the state comment period was distributed to state task force members and interested parties identified by the Town on May 3rd, 2011 in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on May 9th, 2011 and continued through June 8, 2011. Two individuals or organizations submitted comments on the proposed amendments. Ecology sent all oral and written comments it received to the Town on June 22, 2011. On August 2, 2011 the Town submitted to Ecology its responses to issues raised during the state comment period. Ecology’s own responses to issues raised during the comment period are available as part of the SMP amendment process record.

**Consistency with Chapter 90.58 RCW:** The proposed amendments have been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

The Town has also provided evidence (see above) of its compliance with SMA procedural requirements for amending an SMP contained in RCW 90.58.090.

**Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the Town.

**Consistency with SEPA Requirements:** The Town submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance for the proposed SMP amendments on April 1, 2011; notice of the SEPA determination was published in the Methow Valley News on Sept 22, 2010. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology reviewed the following reports, studies, map portfolios and data prepared for the Town in support of the SMP update:

- a July 2007 public participation plan,
Summary of Issues Raised During The Public Review Process: The Town’s SMP update drafting public review process was important to local and statewide interested parties due to its unique position at the heart of a rich valley important to tribal and federally listed fisheries as well as the economic concerns of residents, land owners or development interests.

Summary of Issues Identified by Ecology as Relevant To Its’ Decision:

Legislative updates to RCW 90.58 effective July 22, 2011 made one of the changes regarding residential as non-conforming uses necessary.

The second issue needing to be addressed is that the Natural Environment Designation (islands in the Channel Migration Zone and in the Floodway) had not been assigned a buffer size and multiple uses were allowed on these islands that were not appropriate for their location.

Finally, most changes to the Use Table 8.2 were made to agree with written text of the SMP.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the Town’s SMP proposal, subject to and including Ecology’s required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new master program amendments (WAC 173-26-201(2)(c).

Ecology has also included a separate recommended change to the submittal (identified during the review process and itemized in Attachment C) that would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the Town, be included in Ecology’s approved SMP amendments.

Consistent with RCW 90.58.090(4), Ecology concludes that those SMP segments relating to critical areas within Shoreline Management Act jurisdiction provide a level of protection at least equal to that provided by the Town’s existing critical areas ordinance.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5).
Ecology concludes that the Town has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the Town has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the Town has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the Town has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the Town’s SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

Ecology concludes that the Town has chosen not to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include buffer areas of all critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the Town’s critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

**DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments are consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are approved by the Town.

As provided in RCW 90.58.090(2)(e)(ii) the Town may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology’s original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment. The effective date of the SMP shall be fourteen days from the date of the department’s written notice of final action to the local government stating the department has approved or rejected the Town’s proposal.