ATTACHMENT B - Required Changes

CHAPTER 1

p.17-(4th) paragraph under “Does this SMP apply to existing development?”

An: For each existing use, except residential, that was legal when it began but would not be allowed as a new use under the current SMP is considered a legal nonconforming use. Residential structures and their appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following are to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and may include redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including the requirements for no net loss of shoreline ecological functions. For purposes of this section, “appurtenant structures” means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.

Rational: Required Change. Changes made to RCW 90.58 Effective July 22, 2011. Added
(1) New or amended master programs approved by the department on or after September 1, 2011, may include provisions authorizing:

(a) Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density; and

(b) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

(2) For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.

(3) Nothing in this section: (a) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.

Pg. 18.

- Normal farming activities including drainage structures such as dikes, irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels.

Edit bullet item:

- Operation and maintenance of any system of dikes, ditches, drains, or other facilities
existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

**Rational:** Required change compliance with RCW 90.58.030(3)(e)(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels.

RCW 90.58.030(3)(e)(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

**CHAPTER 2 – Add under Definitions**

"2.13 “Appurtenance” means development that is necessarily connected to the use and enjoyment of a single family residence and water-oriented commercial uses and is located landward of the OHWM and/or the perimeter of a wetland. Appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field and grading which does not exceed the threshold established in local SEPA or building regulations, whichever is less, and which does not involve placement of fill in any wetland, floodway, floodplain or waterward of the ordinary high water mark.

**Rational:** Required change for compliance with WAC 173-27-040(2)(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter 90.58 RCW. "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 ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

Strike the 3rd photo and language found in images after definition 2.93 – “If lots b & d are owned by separate individuals, buffer and structure setbacks are not applicable to development occurring on lot d.”
**Rational:** Multiple parcels are owned by state, federal and other PUD agencies along Town of Twisp shorelines, sometimes in very narrow ownerships. These parcels are largely undeveloped, offering ecosystem functions and values. Eliminating needed buffers/setbacks, without mitigation by parcel “d’s” impacts, does not meet the intent of WAC 73-26-186(8)(b)(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline. If the parcel “b” was developed/built upon prior to the adoption of the SMP, the section would be acceptable.

**2.104 — Mining** The act of extracting from the earth minerals and/or ores via open pit, shaft, leaching, hydraulic, sand and gravel removal, or other methods, except dredging and sand and gravel. Note that mining activities are subject to zoning regulation and approval processes; however, prospecting and exploration activities that are conducted with minimal disturbance of the subject property are not considered mining and are not restricted by zoning. Surface mining operations are also regulated by Department of Natural Resources.

**Rational:** Sand and Gravel removal are regulated as a type of mining. Change necessary for compliance with WAC 173-26-241(3)(h) Mining. Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Historically, the most common form of mining in shoreline areas is for sand and gravel because of the geomorphic association of rivers and sand and gravel deposits. Mining in the shoreline generally alters the natural character, resources, and ecology of shorelines of the state and may impact critical shoreline resources and ecological functions of the shoreline. However, in some circumstances, mining may be designed to have benefits for shoreline resources, such as creation of off channel habitat for fish or habitat for wildlife. Activities associated with shoreline mining, such as processing and transportation, also generally have the potential to impact shoreline resources unless the impacts of those associated activities are evaluated and properly managed in accordance with applicable provisions of the master program.

**2.149 – Shoreline Jurisdiction – 3rd photo and language** “Development on lot b is not subject to use buffer standards because if it is physically separated from use buffer by a developed public right-of-way which is greater that the buffer width.”

**Rational:** Multiple parcels are owned by state, federal and other PUD agencies along Town of Twisp shorelines, sometimes in very narrow ownerships. These parcels are largely undeveloped, offering ecosystem functions and values. Eliminating needed buffers/setbacks, without mitigation by parcel “b’s” impacts, does not meet the intent of WAC 73-26-186(8)(b)(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline. If the right-of-way is/was developed/built upon prior to the development of parcel “b”, then the exception will apply.
CHAPTER 8

8.01 A. 16. a. All buffers, lot frontage and lot coverage requirements shall be as set forth in Table 8.01 and Appendix C, except as follows:

**Rational:** Buffers are also established in Appendix C so need to be referenced.

8.01 A. 16(b)(1) All setbacks and Zone 1, Vegetation buffers shall be measured on a horizontal plane from the ordinary-high-water-mark (OHWM), or on a horizontal plane from the Top of the Bank (TOB) as measurements designated in Table 8.1, and as described below.

*(break out so more clearly defined)*

**In High-Intensity (30) CR Shoreline Environment Designations,** the Vegetation Buffer Zone 1 shall include the portion of land from the OHWM, to the top of the bank plus the first 15’ of the required 30’ building setback.

**High-Intensity (50) C1 Shoreline Environment Designations,** Vegetation Buffer Zone 1 shall include that 25’ portion of the land from the OHWM, the setback shall be 50’ from the OHWM.

**In Shoreline Residential 1(30) (High Bank) Environmental Designations,** with a 30’ setback from the OHWM, the Vegetation Buffer Zone 1 shall be the portion of land from the OHWM, to the top of the bank or 15’, whichever is greater.

**In Shoreline Residential 2 (50) (Low Bank) Environmental Designation,** Vegetation Buffer Zone 1 shall include that 25’ portion of the land from the OHWM, the setback shall be measured 50’ from the OHWM.

**Urban Conservancy Environment Designation,** the Vegetation Buffer Zone 1 shall include that 50’ portion of land from the OHWM.

**Natural Environment Designation** – the Vegetation Buffer Zone 1 shall include that 200’ portion of land from the OHWM.

**Parallel Environment Designations** – For parallel Environment Designations (ED) the Zone 1 Vegetation Buffer shall be the larger of the two applicable vegetation buffer areas. In example, if the near water Zone 1 buffer is 30’, but the parallel landward ED Zone 1 buffer is 50’, the 50’ Zone 1 Vegetation buffer would apply as measured from the OHWM.

*ADD FOOTNOTE* – In the Natural Environment Designation, the ZONE 1 buffer encompasses all of shoreline jurisdiction(200’), so the USE setback is equal to 0 (Zero), buffer averaging and buffer reduction are not allowed in the Natural ED.

**Rational:** Change needed to clarify how Zone 1 Vegetation buffers are going to be applied. The proposed language conflicted with the Table 8.1 presentation of the buffer sizes. Additionally, no explanation had been provided as to how the Zone 1 buffer sizes would be applied in the Urban Conservancy ED, the Natural ED or when Parallel Environment Designations were found. The only shoreline areas where the Natural Environment Designation is used within the Town of Twisp’s jurisdiction is on the islands in the middle of the river. For this reason 200’ was chosen as the Zone 1 Vegetation buffer size as these islands are in the severe channel migration zone and are subject to shifting boundaries each flood season.
Changes to the Table 8.1 and Table 8.2 are also necessary due to these changes.

8.01 A. 16 (b)(2) Zone 2, Use buffers shall be measured on a horizontal plane from the landward side of the Zone 1 vegetation buffer, or the landward edge of Floodway – whichever is greater.

**Rational:** Changes made to language in order to be consistent with language set out in Chapter 7, Table 7-1 and “Shoreline 30 areas are subject to a 30’ building setback from the OHWM or Floodway (where mapped). Shoreline 50 areas depict shorelines with low gradient slopes where the potential for flooding and the support of riparian vegetation exist during high water events. Shoreline 50 areas are subject to a 50’ setback from the OHWM or Floodway (where mapped).”

8.01 A. 16. (c)( 1) Standard shoreline setbacks and/or Zone 1 or 2 buffers and/or lot coverage may be reduced using procedures set up by Sections 8.01 A.16.e Buffer Width Averaging and by 8.01 A.16.f. Administrative buffer reduction, by up to 25% subject to a critical areas report, mitigation management plan and SEPA document that shows that such a reduction will result in no net loss of shoreline function. Such report and plan must be prepared by a qualified professional and be based on the most current, accurate and complete scientific and technical and site specific conditions and analysis. The reduction may be reduced by administrative review, if in compliance with Administrative Buffer Reduction (Section 8.01 A. 16. f).

**Rational:** The language here is duplicative of language listed in Sections 8.01 A.16.e Buffer Width Averaging and by 8.01 A.16.f. Administrative buffer reduction, which could result in a 50% reduction in buffer widths which is not supported by science. Re-written to simply reference the appropriate buffer reduction sections.

8.01. 16. (d)(2) Zone 2 - Use Buffer. The area between the Zone 1 Vegetation Buffer or the floodway, whichever is greater, and setback line (setbacks are listed in Table 8.1) in all shoreline areas is designated as Zone 2 Use Buffer. In these areas, removal of existing native vegetation shall be limited as provided in Table 8.1 and uses limited to low intensity recreation, agricultural, accessory residential uses, and accessory water-dependent and authorized/permitted accessory water-related commercial uses.

**Rational:** Changes made to language in order for consistency to agree with language set out in Chapter 7, Table 7-1 and “Shoreline 30 areas are subject to a 30’ building setback from the OHWM or Floodway (where mapped). Shoreline 50 areas depict shorelines with low gradient slopes where the potential for flooding and the support of riparian vegetation exist during high water events. Shoreline 50 areas are subject to a 50’ setback from the OHWM or Floodway (where mapped).” As the landward boundary of the Zone 2 is the primary use setback, then only those uses accessory to the primary may be located in Zone 2…E.g. Tool sheds, picnic tables, bathroom facilities serving recreational facilities and other such accessory uses.
# Table 8.1 Shoreline Development Standards

**ADD: N/A = Not Allowed, or Not Applicable**

<table>
<thead>
<tr>
<th>Standards</th>
<th>Aquatic</th>
<th>Natural</th>
<th>Shoreline Recreational</th>
<th>Urban Conservancy</th>
<th>Shoreline Residential (1)</th>
<th>Shoreline Residential 2 (30) High Bank</th>
<th>Shoreline Residential 2 (50) low bank</th>
<th>High Intensity (30) CR</th>
<th>High Intensity (50) CI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone 1 + 2 Combined Vegetation and Use Buffer Width and Setback</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Water Dependent or Oriented Uses and Activities</td>
<td>N/A</td>
<td>200’ N/A</td>
<td>80’</td>
<td>100’</td>
<td>30’ OHWM</td>
<td>50’ OHWM</td>
<td>30 TOB</td>
<td>50’ OHWM</td>
<td></td>
</tr>
<tr>
<td>Water-Oriented Uses and Activities</td>
<td>N/A</td>
<td>200’ N/A</td>
<td>30’</td>
<td>30’</td>
<td>30’ OHWM</td>
<td>50’ OHWM</td>
<td>30 TOB</td>
<td>50’ OHWM</td>
<td></td>
</tr>
<tr>
<td>Water Dependent Uses and Activities</td>
<td>N/A</td>
<td>200’ N/A</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td></td>
</tr>
<tr>
<td><strong>Zone 1 Vegetative Buffer Width</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Water Dependent or Oriented Uses and Activities</td>
<td>N/A</td>
<td>200’ N/A</td>
<td>40’</td>
<td>50’</td>
<td>15’</td>
<td>25’</td>
<td>15’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Water-Oriented Uses and Activities</td>
<td>N/A</td>
<td>200’ N/A</td>
<td>15’</td>
<td>15’</td>
<td>15’</td>
<td>25’</td>
<td>15’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Water Dependent Uses and Activities</td>
<td>N/A</td>
<td>200’ N/A</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td></td>
</tr>
<tr>
<td><strong>Zone 1 Vegetation Buffer Allowed Alterations</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of Vegetation Buffer that may be altered for view corridor</td>
<td>N/A</td>
<td>0% N/A</td>
<td>20%</td>
<td>10%</td>
<td>25%</td>
<td>25%</td>
<td>30%</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td><strong>Zone 2 Use Buffer Width</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Water Dependent or Oriented Uses and Activities</td>
<td>N/A</td>
<td>0’</td>
<td>40’</td>
<td>50’</td>
<td>15’</td>
<td>25’</td>
<td>15’</td>
<td>25’</td>
<td></td>
</tr>
<tr>
<td>Water-Oriented Uses and Activities</td>
<td>N/A</td>
<td>0’</td>
<td>15’</td>
<td>15’</td>
<td>15’</td>
<td>25’</td>
<td>15’</td>
<td>25’</td>
<td></td>
</tr>
</tbody>
</table>

ADD FOOTNOTE(9) : In the Natural Environment Designation, the ZONE 1 buffer encompasses all of shoreline jurisdiction (200’), so the USE setback is equal to 0 (Zero), buffer averaging and buffer reduction are not allowed in the Natural ED. Zone 1 + Zone 2 Setback = 200’.

**Rational:** No buffers had been established for the Natural Environment Designation. The only shoreline areas where the Natural Environment Designation is used within the Town of Twisp’s shoreline jurisdiction is on the islands in the middle of the river. For this reason 200’ was chosen as the Zone 1 Vegetation buffer size as these islands are in the severe channel migration zone and are subject to shifting boundaries each flood season. WAC 173-26-201(2)(c) Master programs shall contain policies and regulations that assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.
Industrial Uses

8.02 G. 2. a. Aquatic-Natural

8.02 G. 2. b. Shoreline Recreation, Urban Conservancy, Shoreline Residential and Natural

**Rational:** The only shoreline areas where the Natural Environment Designation is used within the Town of Twisp’s shoreline jurisdiction is on the islands in the middle of the river. These islands are in the severe channel migration zone and are subject to shifting boundaries each flood season, considering the definition of the Natural Environment designation that these areas are relatively free of human influence and include intact or minimally degraded shoreline functions intolerant of human use, industrial uses shall be prohibited in the natural environment. WAC 173-26-211(5)(a)(ii) **Management policies.** (A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

(B) The following new uses should not be allowed in the "natural" environment: • Commercial uses. • Industrial uses.

Municipal Uses

8.02 I. 2. a. Aquatic and Natural

8.02 I. 2. a. 1) Municipal uses shall be allowed or prohibited based on the regulation for the adjoining shoreline designation landward of the OHWM.

Non-water oriented and water-oriented uses, except water development activities require a conditional use permit.

8.02(I)(2)(c) Natural – Municipal Uses are prohibited, except low intensity recreational uses and restoration activities.

**Rational:** The only shoreline areas where the Natural Environment Designation is used within the Town of Twisp’s shoreline jurisdiction is on the islands in the middle of the river. These islands are in the severe channel migration zone and are subject to shifting boundaries each flood season, considering the definition of the Natural Environment designation that these areas are relatively free of human influence and include intact or minimally degraded shoreline functions intolerant of human use, municipal uses shall be prohibited in the natural environment except those low intensity recreational uses and restoration proposals. Municipal Uses are not recognized in WAC 173-26 as a distinctly different type of Use. Yet, municipal uses often do not fall under the types of listed uses as commercial or industrial uses. Schools, municipal buildings, recreational facilities are examples of Municipal Uses. The town wished to specifically address these distinct uses for clear permitting direction. The impacts associated with Municipal Uses are usually high impact, high intensity types of uses and therefore should be regulated and permitted in the same manner as other high intensity uses in the Natural Environment Designation WAC 173-26-211(5)(a)(ii) **Management policies.** (A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

(B) The following new uses should not be allowed in the "natural" environment: • Commercial uses. • Industrial manner as other high intensity uses would be in the different environment designations.
**Table 8.2 Use and Activity Chart (a)**

<table>
<thead>
<tr>
<th>Uses and Activities</th>
<th>Aquatic</th>
<th>Natural</th>
<th>Shoreline Recreational</th>
<th>Urban Conservancy</th>
<th>Shoreline Recreational</th>
<th>High Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Wet Moorage</td>
<td>S/SDP</td>
<td>X</td>
<td>CUP</td>
<td>X</td>
<td>X</td>
<td>CUP</td>
</tr>
<tr>
<td>Commercial dry boat storage</td>
<td>SDP</td>
<td>X</td>
<td>SDP</td>
<td>X</td>
<td>X</td>
<td>SDP</td>
</tr>
<tr>
<td>Commercial (private or public) boat launch ramps</td>
<td>S CUP</td>
<td>X CUP</td>
<td>SDP CUP</td>
<td>X CUP</td>
<td>X CUP</td>
<td>SDP CUP</td>
</tr>
<tr>
<td>Public boat launch ramps</td>
<td>S CUP</td>
<td>X CUP</td>
<td>SDP CUP</td>
<td>SDP CUP</td>
<td>CUP</td>
<td>SDP CUP</td>
</tr>
<tr>
<td>Water-dependent Municipal Uses</td>
<td>SDP</td>
<td>X SDP</td>
<td>SDP</td>
<td>SDP</td>
<td>SDP</td>
<td>SDP</td>
</tr>
<tr>
<td>Water-oriented Municipal Uses</td>
<td>CUP</td>
<td>X CUP</td>
<td>SDP</td>
<td>SDP</td>
<td>SDP</td>
<td>SDP</td>
</tr>
<tr>
<td>Non-water Oriented Municipal Uses</td>
<td>CUP</td>
<td>X CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Water-dependent Industrial</td>
<td>CUP</td>
<td>X CUP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>SDP</td>
</tr>
<tr>
<td>Filling</td>
<td>CUP</td>
<td>X CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
</tbody>
</table>

**Shoreline Stabilization (8.03 E-F)**

| Hardening, Structural approaches                 | X CUP   | X CUP   | CUP                    | CUP               | CUP                    | CUP            |

ADD to **Footnote 29** Exceptions to prohibition as allowed in 8.03(D)(5).
**Rational to Changes made to Table 8.2:**

For Changes made to the Commercial Wet and Dry Moorage Uses - The only shoreline areas where the Natural Environment Designation is used within the Town of Twisp’s shoreline jurisdiction is on the islands in the middle of the river. These islands are in the severe channel migration zone and are subject to shifting boundaries each flood season, considering the definition of the Natural Environment designation that these areas are relatively free of human influence and in clued intact or minimally degraded shoreline functions intolerant of human use (WAC 173-26-211(5)(a) and this SMP – Chap. 7), wet moorage occurs in the Aquatic Environment Designation (ED), and should be allowed or disallowed based on the upland ED, Wet Moorage connected to the Natural ED shall be prohibited due to the above reasoning.

For Changes made to the Commercial and Public Boat Launch Ramps – Changes made to agree with language written in Section 8.02 (E).

For Changes made to the Water-dependent Industrial Uses – Changes made do to Channel Migration and flooding issues as described above and WAC 173-26-211(5)(a)(ii) Management policies. (A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

  (B) The following new uses should not be allowed in the "natural" environment: • Commercial uses. • Industrial uses.

For Changes made to the Municipal Uses: Changes made due to Channel Migration and flooding issues as described above. Municipal Uses are not recognized in WAC 173-26 as a distinctly different type of Use. Yet, municipal uses often do not fall under the types of listed uses as commercial or industrial uses. Schools, municipal buildings, recreational facilities are examples of Municipal Uses. The town wished to specifically address these distinct uses for clear permitting direction. The impacts associated with Municipal Uses are usually high impact, high intensity types of uses and therefore should be regulated and permitted in the same manner as other high intensity uses in the Natural Environment Designation WAC 173-26-211(5)(a)(ii) Management policies. (A) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

  (B) The following new uses should not be allowed in the "natural" environment: • Commercial uses. • Industrial manner as other high intensity uses would be in the different environment designations.

For Changes made to the Fill allowed in the Natural – Changes made to agree with text 8.03(D)(5) Fills are prohibited in floodways, and channel migration zone areas (See CMZ Map Appendix G), ADD to Footnote 29 Exceptions to prohibition as allowed in 8.03(D)(5).

For Changes made to the Shoreline Stabilization 8.03(EF) Hardening, Structural approaches – Changes made for agreement with written language found in Section 8.03(F) 8.03 F. 5. a. Aquatic, Natural, 8.03 F. 5. a. 1) Bulkheads shall be prohibited.