**ADDENDUM TO ATTACHMENT A:**

**FINDINGS AND CONCLUSIONS FOR PROPOSED COMPREHENSIVE AMENDMENT TO THE TOWN OF TWISP SHORELINE MASTER PROGRAM**

SMP Changes, submitted by Twisp June 7, 2012  
Prepared by Clynda A. Case on July 31, 2012

**Brief Description of Proposed Amendment:**

The Town of Twisp (Twisp) has submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP). On September 29, 2011, Department of Ecology Director Ted Sturdevant sent a conditional approval letter to the Town of Twisp which contained Attachment B – Required Changes and Attachment C – Recommended Changes. The Town responded in a letter dated October 21, 2011 and subsequently on June 7, 2012 accepting all of the recommended changes and accepting all but 2 of the required changes. The Town submitted alternative language for two required changes concerning exemption to buffer requirements and how the buffers were applied in the floodway. The Town also submitted minor scrivener amendments correcting references to the regional SMP (multiple City and County references) and replaced with just referencing the Town of Twisp. Ecology has reviewed these alternatives and amendments and finds them consistent with Shoreline Management Act policy, the State SMP guidelines and with the purpose and intent of Ecology’s September 29, 2011 conditions of SMP approval.

**FINDINGS OF FACT**

- **Change # 6 – Developments not subject buffer standards**. As written in Attachment B, Ecology’s required change would have required that that only those developments located landward of a developed separate lot would be exempted from buffer standards. 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.

![Diagram showing development on lot b not subject to buffer standards because it is physically separated from buffer by a public right-of-way which is greater than the buffer width.](image-url)
The town’s proposed alternative was to completely remove the above 3rd photo and associated language. Ecology has reviewed the above alternatives and amendments and finds them consistent with Shoreline Management Act policy, the State SMP guidelines and with the purpose and intent of Ecology’s September 29, 2011 conditions of SMP approval.

- **Change #8 – Application of buffers and use setbacks** - As written in Attachment B, Ecology’s required change would have required clarification of 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. 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. Additionally, some of the parcels within town are within the floodway and there was no description of how the buffers would be applied when considering the floodway.

- The Town proposed the following alternative revisions to:
  
  **Section 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 except where the regulatory floodway lies landward of the OHWM, and as described below:

  FOOT NOTE 2 - Town of Twisp Municipal Code Chapter 16.10.280 prohibits encroachments and all new construction but does provide for reconstruction and maintenance of existing structures provided said improvements do not surpass 50% of the market value of the structure. Where the regulatory floodway lies landward of the OHWM a distance greater than the setback for the specific shoreline designation (see Table 8.1), the floodway boundary shall be the minimum setback with additional buffer requirements dependent on a site analysis.

The rest of the changes proposed to **Section 8.01(A)(16)(b)(1)** were accepted by the Town. Ecology has reviewed the above alternatives and amendments and finds them consistent with Shoreline Management Act policy, the State SMP guidelines and with the purpose and intent of Ecology’s September 29, 2011 conditions of SMP approval.

The Town also accepted all of Ecology’s recommended changes. For recommended change #3, Ecology did not include specific language instead provided direction for the Town to draft a map that clearly reflected the Town’s updated Urban Growth Boundary maps. The Town has inserted a new map into Chapter 7 under the subtitle Shoreline Designations Map.

**CONCLUSIONS OF LAW**

**Developments not subject to buffer standard:** The alternative eliminates non-compliance with WAC 73-26-186(8)(b)(i) and ensures that each development complies with mitigation standards.

**Application of buffer and use setbacks:** Alternative provides better clarity to permitting staff as well as development proposals. Additionally, it better implements WAC 173-26-221(3) Flood Hazard Reduction.
Consistent with RCW 90.58.090(2)(e)(ii), the Town of Twisp’s proposed alternative language provided in revised attachments B is consistent with the Shoreline Management Act and the purpose and intent of Ecology’s original changes identified within Ecology’s September 19, 2011 letter. Therefore, Ecology accepts the Town’s alternatives.

DECISION AND EFFECTIVE DATE

Ecology approval of the Town’s proposed comprehensive SMP amendment is effective 14 days from the date of the Ecology Director’s letter accepting the Town’s alternative changes.