## Ecology Approval of Twisp’s Proposed Alternatives to Ecology’s Required Changes

The following changes were agreed to by the Town of Twisp or proposed alternatives are approved and comply original intent of Ecology’s changes and found in compliance with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III), justification found in Addendum to Attachment A.

<table>
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<tr>
<th>ITEM</th>
<th>SMP Provision (Cite)</th>
<th>TOPIC</th>
<th>ORIGINAL ECOLOGY REQUIRED CHANGES (underline = additions; strikethrough = deletions)</th>
<th>RATIONALE</th>
<th>AGREED TO BY LOCAL GOVERNMENT OR WAS ALTERNATIVE SUGGESTED BY LOCAL GOVERNMENT?</th>
<th>IF ALTERNATIVE LANGUAGE PROPOSED BY LOCAL GOVERNMENT, FINAL ECOLOGY APPROVED CHANGE</th>
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<tbody>
<tr>
<td>1</td>
<td>Chapter 1</td>
<td>Does this SMP apply to existing development?</td>
<td><strong>Addendum:</strong> 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.</td>
<td><strong>Rationale:</strong> 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</td>
<td>YES, CHANGE ACCEPTED</td>
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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.

<table>
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<tr>
<th>2</th>
<th>Chapter 1</th>
<th>Permit exemptions</th>
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<tr>
<td>• Normal farming activities including drainage structures such as dikes, irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels.</td>
<td>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.</td>
<td>YES, CHANGE ACCEPTED</td>
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<td><strong>Edit bullet item:</strong></td>
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<td>• 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;</td>
<td>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;</td>
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<th>3</th>
<th>Chapter 2</th>
<th>Definitions</th>
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<td>2.13 “Appurtenance” means development that is necessarily connected to the use and enjoyment of a single family residence that and water-oriented commercial uses and is located landward of the OHWM and/or the perimeter of a wetland.</td>
<td>Rationale: 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</td>
<td>YES, CHANGE ACCEPTED</td>
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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;

4 Chapter 2 Definitions 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."

Rationale: 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.

YES, CHANGE ACCEPTED

5 Chapter 2 Definitions 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.

Rationale: 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.

YES, CHANGE ACCEPTED

6 Chapter 2 Definitions 2.149 — Shoreline Jurisdiction – 3rd photo and language “Development on lot b is not subject to use buffer standards because it is physically

Rationale: 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

NOT ACCEPTED ALTERNATIVE TOWN'S PROPOSED ALTERNATIVE IS TO REMOVE 3RD PHOTO AND LANGUAGE WITH THE EXCEPTION ALL TOGETHER
separated from use buffer by a developed public right-of-way which is greater that the buffer width."

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.

PROPOSED

ECOLOGY APPROVES ALTERNATIVE

8 Chapter 8 Setbacks and buffers/ Vegetation Conservation Measurements

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

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

YES, CHANGE ACCEPTED

8 Chapter 8 Setbacks and buffers/ Vegetation Conservation Measurements

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:

Rationale: 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.

CHANGE TO SECTION 8.01 A.16(b)(1) NOT ACCEPTED

ALTERNATIVE LANGUAGE PROPOSED as FOOTNOTE 2

ALL OTHER REQUIRED CHANGES FOR THIS SECTION ACCEPTED BY THE TOWN

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.

ECOLOGY APPROVES THE ALTERNATIVE LANGUAGE ABOVE. SEE FINDINGS FOR EXPLANATION OF COMPLIANCE WITH WAC 173-26-1200(7)(b)(ii).
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.

**Rationale:** 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).”

YES, CHANGE ACCEPTED

**Rationale:** 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.

| 11 | Chapter 8 | Setbacks and buffers/ Vegetation Conservation Measurements | 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). | Rationale: 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. | YES, CHANGE ACCEPTED |

| 12 | Chapter 8 | Setbacks and buffers/ Vegetation Conservation Measurements | 8.01 A.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, | Rationale: 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 | YES, CHANGE ACCEPTED |
| Chapter 8 | Shoreline Development Standards | Changes to Table 8.1 Shoreline Development Standards and buffer sizes | **Rationale:** 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. | YES, CHANGES ACCEPTED |

| Chapter 8 | Use and Designation Specific Regulations – Industrial Uses | **Industrial Uses**  
8.02 G. 2. a. *Aquatic and Natural*  
8.02 G. 2. b. Shoreline Recreation, Urban Conservancy, Shoreline Residential and Natural | **Rationale:** 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, 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. | YES, CHANGES ACCEPTED |

| Chapter 8 | Use and Designation Specific Regulations – Municipal 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 de and activities | **Rationale:** 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 | YES, CHANGES ACCEPTED |
require a conditional use permit.

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

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.

| 16 | Chapter 8 | Table 8.2 Use and Activity Chart | Changes to Table 8.2 Use and Activity Chart | 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 cluded 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). | YES, CHANGES ACCEPTED |
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 uses.

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(F) 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.
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<th>Multiple</th>
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<th>The SMP was developed as a regional SMP, as such had multiple locations where the County and other Cities names were present in the document. The final SMP submitted June 2012 by the Town of Twisp has cleaned up all of those other references and now simply references ‘Twisp’.</th>
<th>ECOLOGY APPROVES ALTERNATIVE</th>
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<tr>
<td>Chapter 8</td>
<td>Use and Designation Specific Regulations – Boating Facilities</td>
<td>Section 8.02 (E)(#5-13)</td>
<td><strong>Rationale:</strong> Section 8.02(E) (Items # 5 through 13) needed to be renumbered and wording cleaned up to match changes required by Ecology’s Change # 16 above. Changes made to this section now mirror internal SMP regulations of the rest of Section 8.02 (E). No substantive changes to the language originally submitted.</td>
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