



**Town of Twisp
Council Meeting
Tuesday, October 10th, 2023 – Time: 5:30 PM
Location: Twisp Civic Building
118 S Glover St.**

If you would like to attend to the meeting online via computer, tablet, or smartphone, please visit our website and follow the link to join or navigate to the following

URL: <https://meet.goto.com/897518621>

If you would like to listen to the meeting over the phone, please use the following number: **[1 \(312\) 757-3121](tel:13127573121)**

Access Code: [897-518-621](tel:897518621)

Anyone who wishes to make a verbal public comment may register in person before the meeting, or with the Clerk's Office via phone 509-997-4081 or email clerktreasurer@townoftwisp.com before 3:00 PM on the day of the meeting. Public Commenters must provide their name, address, and the topic of their comment. At the designated time, commenters will be called on by the Mayor. Comments will be limited to three (3) minutes in length.

Public comments may also be submitted in writing in advance of the meeting (via email to clerktreasurer@townoftwisp.com or dropbox at Town Hall) and must contain the Commenter's name, address, and comment. Written comments will NOT be read aloud at the meeting, but will be included on the meeting minutes.

Per TMC 14.05.070 5 (b) "The closed record appeal/decision hearing shall be on the record before the hearing body. If the appeal is on a Type II, III, or IV permit, no new evidence may be presented."

The Council WILL NOT be accepting public comments on or related to the Planned Development agenda items.



**Town of Twisp
Council Meeting Agenda
Tuesday, October 10th, 2023 - Time: 5:30 PM**

Call to Order and Roll Call

Pledge of Allegiance – Council Member (Mayor's Request)

Request for Additions &/or Changes to the Agenda

Public Comment Period

Routine Items:

- **Mayor's Report**
- **Staff Reports**
- **Committee/Commission/Board Reports**
- **Tree Board Update Dwight Filer, Tree Board Chair**

New/Old Business:

- **Discussion/Action:** Blackbird's Apartments Preliminary PD
- **Discussion/Action:** Shorelines Master Program
- **Discussion/Action:** TwispWorks Master Plan
- **Discussion/Action:** Creative District Board Governance Structure
- **Discussion/Action:** NCW Narcotics Task Force 2024 Agreement
- **Discussion/Action:** USDA Sewer Project Grant Agreement Update
- **Discussion/Action:** NCW Libraries Agreement

Consent Agenda:

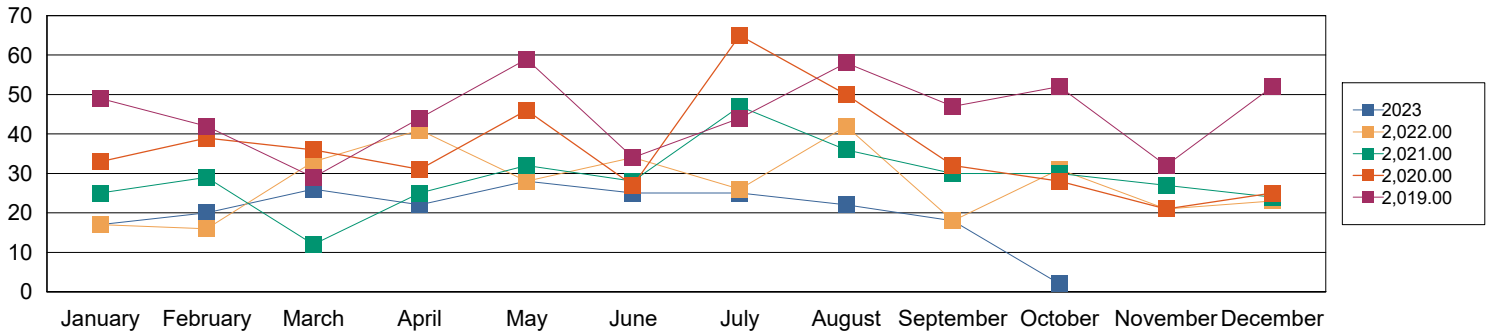
1. **Accounts Payable/Payroll**
2. **Minutes**

Adjournment



Okanogan County Sheriff's Office

Twisp City - Monthly Activity Law Incidents



- Total City Incidents in last 30 days: **21**
- Thefts in last 30 days: **2**
- Burglary / Trespass in last 30 days: **2**
- Assaults / Disputes in last 30 days:
- Traffic incidents in last 30 days: **2**
- Total City Incidents YTD: **238**

Traffic Stops 30day/YTD **63** /

Law Incidents - Last 30 Days OCSO

18

09/04/2023 13:33:43	WELFARE CHECK	MAGERS ST	TWISP	S23-05805
09/06/2023 21:50:53	SUSPICIOUS	S METHOW VALLEY HWY	TWISP	S23-05868
09/07/2023 09:54:02	CIVIL	W TWISP AVE	TWISP	S23-05877
09/10/2023 15:43:49	CIVIL	E METHOW VALLEY HWY	TWISP	S23-05973
09/16/2023 02:38:01	SUSPICIOUS	E METHOW VALLEY HWY	TWISP	S23-06135
09/18/2023 15:40:07	TRESPASSING	E METHOW VALLEY HWY	TWISP	S23-06207
09/20/2023 13:36:20	ACCIDENT INJURY	AINSWORTH AVE	TWISP	S23-06264
09/21/2023 10:55:44	MISSING PERSON	N LINCOLN ST	TWISP	S23-06287
09/21/2023 12:49:06	AGENCY ASSIST	E 2ND AVE	TWISP	S23-06291
09/23/2023 10:37:26	CIVIL	E METHOW VALLEY HWY	TWISP	S23-06351
09/24/2023 12:41:05	LOST PROPERTY	E METHOW VALLEY HWY	TWISP	S23-06380
09/26/2023 13:02:29	THEFT OTHER	E METHOW VALLEY HWY	TWISP	S23-06452
09/26/2023 17:09:26	SUSPICIOUS	W 2ND AVE	TWISP	S23-06459
09/27/2023 09:40:14	WELFARE CHECK	MAGERS ST	TWISP	S23-06473
09/28/2023 12:27:58	CIVIL	MAGERS ST	TWISP	S23-06512
09/30/2023 15:35:35	AGENCY ASSIST	E 2ND AVE	TWISP	S23-06562
10/03/2023 11:10:20	THEFT OTHER	E METHOW VALLEY HWY	TWISP	S23-06617
10/03/2023 13:02:16	AGENCY ASSIST	E METHOW VALLEY HWY	TWISP	S23-06621

EMS Calls

AERO METHOW EMS			14
09/05/2023	16:22	MEDICAL	E23-03964
09/06/2023	15:49	MEDICAL	E23-03979
09/07/2023	09:22	FALL	E23-03992
09/08/2023	01:38	TRANSFER PATIENT	E23-04002
09/12/2023	09:58	MEDICAL	E23-04064
09/13/2023	15:32	BREATHING	E23-04094
09/15/2023	13:50	MEDICAL	E23-04116
09/20/2023	13:36	ACCIDENT INJURY	E23-04192
09/21/2023	15:07	ALARM MEDICAL	E23-04216
09/21/2023	19:12	UNCONSCIOUSNESS	E23-04222
09/23/2023	08:18	MEDICAL	E23-04251
09/27/2023	11:29	UNCONSCIOUSNESS	E23-04314
09/28/2023	21:05	SICKNESS	E23-04347
09/30/2023	06:08	FIRE STRUCTURE	E23-04363
WINTHROP FIRE			2
09/20/2023	13:36	ACCIDENT INJURY	E23-04193
09/30/2023	06:08	FIRE STRUCTURE	E23-04364

Fire Calls

DEPT OF NATURAL RESOURCES			2
09/30/2023	06:08	FIRE STRUCTURE	F23-01820
09/30/2023	15:35	ILLEGAL BURNING	F23-01827
TWISP FIRE DEPARTMENT FD06			3
09/20/2023	13:36	ACCIDENT INJURY	F23-01766
09/30/2023	06:08	FIRE STRUCTURE	F23-01818
09/30/2023	15:35	ILLEGAL BURNING	F23-01825
WINTHROP FIRE			3
09/20/2023	13:36	ACCIDENT INJURY	F23-01767
09/30/2023	06:08	FIRE STRUCTURE	F23-01819
09/30/2023	15:35	ILLEGAL BURNING	F23-01826

Memorandum

October 10, 2023

Below is a summary of changes we have made to the staff report and clarifications to the submittal.

1. We have asked the proponent to submit any correspondence they have had with WSDOT to support their request for a non-conforming access. We have reaffirmed that the Town of Twisp is the permitting authority. See attached email.
2. We have added to the staff report that there only be one meter (even if condominiums) and that the CCR's reflect this in the HOA contract.
3. We have stated that no condominium sales may be made until all appropriate paperwork and approvals have been received from the State of Washington.
4. A new site plan is attached.
5. An updated narrative is attached.

TOWN OF TWISP STAFF REPORT
BLACKBIRDS GARDEN APARTMENTS PLANNED DEVELOPMENT

TO: PLANNING COMMISSION
FROM: KURT DANISON, TOWN PLANNER
SUBJECT: PLANNING COMMISSION STAFF REPORT
DATE: 9/8/23
CC: Carla Smith – SPD23-01 PD23-03

Applicant: Diversified Design, Inc
Parcel #: 3322170413, 8800600200

Project Description:

Carla Smith of Everett Diversified Design, Washington, proposes through a Planned Development (“PD”) permit¹ (Chapter 18.45 TMC) and Shoreline Substantial Development permit, to convert the existing building at 900 E Methow Valley Hwy, into 5 residential apartments. The applicant proposes engineering and installation of water, sewer, stormwater, irrigation, and street infrastructure compliant with the Town’s Development Standards and installation of power and telecommunication infrastructure engineered and installed to the appropriate entities (Town, PUD, MVID, telecom) requirements.

Chronology:

The Town of Twisp was contacted about converting an existing 4,760 square foot building into 5 apartments in early 2023.

The application for a shoreline development permit and planned development was received by the planning office, reviewed and accepted as complete on July 27, 2023.

A public hearing before the Planning Commission was set for September 13, 2023 with a Notice of Application (published in Methow Valley News on August 4, 2023 and posted on the project site). A SEPA Determination of Non-Significance (DNS) was published on August 4, 2023 as well.

The Council meet on September 26, 2023, and motioned to continue hearing until October 10, 2023 to receive more information on the project.

¹ - Appendix A of TMC Title 18, lists Multi-Family Dwellings, such as the proposed apartments as requiring a Planned Development in the CR Zoning District.

Role of the Planning Commission:

The Planning Commission's role in the review process for a Planned Development is to hold the single open record public hearing as required by 14.05 TMC. The Commission's task is to review written or oral comments received during the public review process, interpret the comprehensive plan and zoning regulation, and prepare a recommendation to the Town Council on whether to grant preliminary approval of the PD, approval with conditions or deny the request.

18.45.060(4) provides the following guidance for the Commission once the public hearing is closed:

(4) Planning Commission Recommendation. Within 30 days after conclusion of the hearing on a preliminary development plan application (including any continued hearing), the planning commission shall recommend approval, conditional approval, or disapproval of the application. The recommendation of the planning commission shall be in writing, with all conditions of approval (if any) precisely stated, and shall be accompanied by findings of fact to justify such recommendation. *Conditions may include, but shall not be limited to, change of types of uses, limitations on density, change in locations of improvements or uses, provision for pedestrian trails, conveyance of land, money or other property to the town for the purpose of providing public facilities, services or other mitigation needed, and/or the monitoring of development proposed or specific impacts therefrom. The planning commission may recommend disapproval of the application if, in the opinion of the commission, impacts from the proposed project cannot be mitigated sufficiently to assure maintenance of the public health, safety and welfare, or if the comprehensive planning goals and/or the policies and objectives stated in this title are not met.* When the application calls for construction or alteration of roads, utilities, or other improvements for which public agencies would have responsibility for completion should the developer fail to complete them adequately, or when the application or the recommendation of the planning commission conditions the project on improvements or changes to mitigate anticipated adverse impacts from construction, and when such required improvements will not be completed at the time of final approval of the plan, the planning commission shall recommend to the town council that a bond or other acceptable security be required of the developer in an amount equal to at least 120 percent of the estimated cost of the required improvements. If the development is to be done in stages, the planning commission shall ensure that open spaces and facilities proposed for the entire development be developed or committed in proportion to the impact and needs of each phase of construction of the development.

Applicable Codes and Town Standards:

The application and public hearing for the proposed planned development is required by Chapter 18.45 of the Twisp Municipal Code. The review process for the preliminary approval of a planned development permit is set forth in 14.05.020 TMC. Preliminary approval of a Planned Development Permit is a Type IV action.

Comprehensive Plan: The project site is located with an area designated as "Riverfront Mixed Use"

"INTENT: C-R district is intended to provide areas for high-density, pedestrian-friendly mixed-use development that takes advantage of the special qualities of Twisp's riverfront and promotes public pedestrian access and use of the riverfront and its business amenities. The Town will encourage developments meeting high aesthetic standards and offering a mix of uses including pedestrian-oriented retail, multi-family housing and tourist accommodations, entertainment and cultural activities, restaurants, offices, businesses and conference facilities.

C-R development shall provide for the safety and convenience of bicyclists, pedestrians, and differently-abled.”

The proposed planned development is consistent with the intent of the Land Use Designation applied to the subject property.

Zoning: The project site is zoned Commercial Riverfront (CR). Appendix A of TMC Title 18, lists Multi-Family Dwellings, such as the proposed Townhomes as requiring a Planned Development. Table 6 in TMC Chapter 18.30.070 provides Lot Size, Coverage, Density, Setback, and Height standards for the CR zone. The minimum lot size is 5,000 square feet single-family, 1,500 square feet each additional unit (except for PD); maximum density is 16 DU/acre with PD; maximum lot coverage is 80%; setbacks, 0’; building height 45’.

The project must follow 14.05.27, Shoreline permits and review which requires specific documentation with the application. This has been filed.

The proposed planned development is an allowed use and the plan as submitted meets all requirements.

SEPA, Critical Areas and Shorelines:

Preliminary approval of a Planned Development Permit is subject to review under the State Environmental Policy Act (SEPA), review for potential impacts to designated critical areas (Chapter 18.60 TMC) and review for impacts to areas that may lie within the jurisdiction of the Town of Twisp Shoreline Master Program. The applicant submitted a SEPA Checklist as part of the application materials accepted as complete on June 27, 2023. The SEPA Administrator issued a Determination of Non-Significance (DNS) on August 4, 2023, which was published in the published in Methow Valley News on August 4, 2023, with the required comment/appeal period ending on September 13, 2023. A review of the Town’s critical areas designation maps finds that the subject property is within a designated Critical Aquifer Recharge area. Compliance with the Aquifer Recharge standards in Chapter 18.60 TMC requires all stormwater runoff to be retained and treated on-site in compliance with the provisions of the Eastern Washington Stormwater Management Manual. A review of the Town’s Shoreline Designation Map finds that a small portion of project lies within shoreline jurisdiction. A shoreline substantial development permit will be issued as part of the approval process.

Planning Commission Public Hearing:

A Planning Commission Public Hearing will be held on September 13th, 2023.

Comments Received:

The application and related materials were mailed or e-mailed to commenting agencies (see list in project file) and a notice provided to adjoining landowners on July 27, 2023.

As of the date the staff report was prepared, only one comment had been received from Andrew Denham, Public Works Director.

- My review is not a complete review and the application has not been forwarded to the consultant engineer for review due to my previous comments not being adequately addressed. The issues that need to be addressed prior to further review are as follows;

- One point of access for the Townhomes and Apartments will be required as per my previous May 11th email.
- The Townhomes will be required to have one properly sized water meter in a vault with a backflow just inside the property line. All 12 units will be served from the one water meter.
- The Apartments will be required to have one properly sized water meter relocated to just inside the property line with a backflow. All units will be served from the one water meter.

Recommendation by Staff:

Staff recommends that the planning commission recommend to council that preliminary approval be granted subject to the following conditions and findings.

Proposed Conditions:

1. That utility connections to the Town's system be engineered in accordance with specifications provided by the Town, Okanogan County PUD and the Methow Valley Irrigation District, plans approved by the appropriate entity and inspected during construction prior to acceptance by the appropriate entity.
2. That the provisions of the International Fire Code for access and construction be complied with in the design and construction of any improvements.
3. That plans and specifications for any required street and/or pedestrian improvements be provided to the Town for review and approval prior to construction and that any pavement or other existing public improvements on or adjoining the Methow Valley Highway disturbed during construction be repaired and approved by the Town of Twisp Public Works Director.
4. That all improvements to public infrastructure be built and/or bonded prior to final approval of the Blackbirds Planned Development.
5. That the design for a private on-site stormwater system be prepared in compliance with the requirements of 17.40.050 TMC, approved by the Town and that the approved system be either built or bonded prior to final approval of the plat.
6. That all mitigation measures in the SEPA checklist submitted with the application are implemented and maintained for the life of the project.
7. That all requirements for final plat stated in 17.25.020 TMC be completed if any individual lots or townhomes are to be sold.
8. That any development/use of said parcel must comply with the regulations for the zoning district applied to the property.
9. That all construction be completed in compliance with applicable requirements of the International Building Code and proper permits obtained.
10. That all easements are clearly labeled.
11. That required building setbacks are noted on the face of the plat and shown on each lot as applicable.
12. That written approval of the Methow Valley Irrigation District be provided to the Town that acknowledges the development and any required improvements have been reviewed and approved by the district.
13. Entire frontage of SR 20 will have sidewalks.
14. One point of access serving for the proposed Townhomes and adjoining proposed Blackbirds Apartments will be required.
15. The Townhomes will be required to have one properly sized water meter relocated to just inside the property line with a backflow. All units will be served from the one water meter and specifics will need to be part of the CCR's for the HOA.

16. That open space and other code requirements are met after site design revisions are made.
17. That no condominium (if this is the direction the project moves to) until all proper paperwork and approvals are received from the State of Washington

Findings of Fact

1. The Craig Bunney is the legal owner of the property.
2. There is a recognized public need for available and affordable housing in the community; the proposal directly addresses that need.
3. The development proposal of 12-unit townhome complex is consistent with the comprehensive plan designation and uses allowed by zoning for the subject property and requires a variance.
4. 30% of the project site will be permanent open space. Proposed open space uses of open space/habitat are uses allowed by zoning.
5. Long-term maintenance of open space will be subject to CC&Rs administered through a homeowner's association and will not burden the Town of Twisp.
6. Upon build-out of 10 townhomes (12 if variance is approved), physical characteristics of the site (slopes and floodplain) and access considerations will eliminate future land division.
7. Development of the property will not displace public recreation opportunities.
8. The proposal does not contemplate development of land identified in the comprehensive plan as unsuitable because of steep slopes, floodplain, or wetlands.
9. The proposal will not adversely affect wildlife habitat identified in the comprehensive plan for special consideration.
10. The development site is essentially flat and will not pose risks of inappropriate stormwater runoff. Development of the property is subject to town and state requirements for stormwater management.
11. The development will create additional impervious surfaces. A plan for managing stormwater runoff, developed by a licensed civil engineer, is required.
12. The applicant submitted a conceptual landscaping plan addressing active and passive areas along with open space.
13. The volume of additional vehicle travel is consistent and compatible with the transportation element of the comprehensive plan.
14. The proposal includes on-site and off-site improvements to pedestrian facilities. Such improvements will provide more transportation choices to town residents.
15. The applicant demonstrated through a preliminary utility plan that the development will be adequately served by water, sewer, and electrical service.
16. The planning commission finds that the information provided by the applicant demonstrates that the proposal will not have an adverse effect on health, safety, and general welfare of the community and that an overwhelming public benefit will result from the project.
17. The property has access to Town water and sewer.
18. The project is consistent with the goals, policies, and intent of the Comprehensive Plan.
19. The project is consistent with the requirements of Chapter 18, Zoning Code.
20. All requirements for processing a Type IV Permit stated in Chapter 14 TMC were followed.
21. That a public notice of the application and determination of non-significance was

published in the Methow Valley News on August 4, 2023.

22. A notice of the public hearing was published in the Methow Valley News on September 6, 2023.

23. That the applicant posted the property on August 10 and 23, 2023.

3 September 2023 email

I am resending the updated apartment narrative. I did not make any changes to the townhomes narrative; I think it already states everything clearly but I am happy to make changes if needed. As far as combining the accesses, as we have discussed with both Kurt and Andrew, we have explored this. We had the engineer draw a combined access option. However, putting in a combined access takes away much of the existing parking for the Apartments. There is a big elevation change from the Apartments property to the Townhomes property which makes this particularly difficult. We are planning on seeking a non-conforming access permit from WSDOT to keep the two existing accesses where they are.

Thanks,

Carla Smith
Diversified Design, Inc.
425-422-1032

Blackbirds Garden Apartments Planned Development Program and Specifications

(a) Density

This property is zoned C-R. We are proposing to renovate the existing building into 5 apartments, meeting the town's goal of multifamily housing in this zone.

(b) Proposed Ownership Pattern

Property will be owned by an LLC. Units will be rented individually. It has not yet been determined whether units will be used as long- or short- term rentals, or a mix of the two. Short-term rentals are allowed in this zone and are a possible use.

(c) Operation and Maintenance Proposal

The building and grounds will be operated and maintained by the LLC.

(d) General Timetable

We hope to begin construction in late Summer of 2023 and complete it by Spring 2024. Development will occur in one phase. No further development is planned.

(e) Existing and Proposed Community and Recreation Facilities

This project does not have a significant impact on existing recreational opportunities. The development will not block or inhibit the use of any existing parks, river access or recreation facilities.

(f) Visual Impacts

The visual impact to the public will be minimal. The new apartments will be contained in the existing building. The residents of the new development will be able to enjoy the available views. In addition, new landscaping and exterior finishes will add to the aesthetics of the development.

(g) Landscaping

Native and drought tolerant plants will be used in landscaping. Existing asphalt in the proposed common area will be removed and replaced with water permeable hardscaping and plantings.

(h) Stormwater Collection and Disposal

Please see attached SWPPP.

(i) Geophysical Characteristics

Current geophysical characteristics of the lot will not be changed.

(j) Air Quality Considerations and Mitigation Measures

During construction of the project, contractors will be required to utilize dust control measures.

After the completion of the project, open areas will be covered by lawn, vegetation, or hardscape, providing dust control. As this project is located on SR 20, already the main highway through the Methow Valley, traffic emissions impact will be minimal.

(k) Traffic Circulation Elements

Trip generation rates compiled by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 11th Edition, 2021*, were used to estimate daily traffic and peak hour traffic. Average rate equations for ITE land use codes 220 Multi-Family Housing (low-rise) were used. Using these rates, an estimated total of 36 weekday daily, 2 weekday AM peak hour and 3 weekday PM peak hour trips would be generated at full occupancy.

(l) Noise Considerations and Mitigation Measures

The project is situated in an area where construction noise will have a limited impact on surrounding properties and the town in general; however, contractors will be required to limit construction periods to conform to any standards set by the Town of Twisp.

The finished project of apartments will not generate significant noise.

(m) General Public Benefits

This project will add housing units to the town of Twisp, an area where housing is currently limited and in demand.

(n) Proposals to Control Further Land Divisions

Not applicable.

(o) Planned Uses of and Improvements to Common Open Space Areas

The common open space is contiguous. It will be landscaped to maximize use and enjoyment while conserving and enhancing its natural features. Permitted uses will be dog walking, exercise and day-use recreation.

The maintenance of the open space will be governed by the apartment LLC. Open space will be protected in the final development plan by provisions to assure permanent retention and maintenance of the open space areas in accordance with approved uses.

(p) Wildlife Protections

The project area will be fenced for dog containment. The project area borders the Methow River. It does not contain any known wildlife migration routes. Native vegetation will be used in landscaping.

Final Staff Report

DATE: August 10, 2023

TO: Twisp Town Council

FROM: Kurt Danison, Planner

Re: **Periodic Update – Twisp Shoreline Master Program**

* * * * *

BACKGROUND

The Town of Twisp has an adopted Shoreline Master Program (SMP) pursuant to RCW 90.58 (Shoreline Management Act). The State Legislature amended the Shoreline Management Act to require that all cities, towns and counties with shoreline areas review and update their local SMPs every 7 years to ensure that shoreline regulations are consistent with amendments to the statute during that time period. The Legislature also provided grant funds and directed the Department of Ecology to administer a grant program and develop guidelines to assist local government in their efforts to comply with the amendments to RCW 90.58.

The city received a grant to update its Shoreline Master Program and beginning in the summer of 2022, initiated a public process including, a city website and community survey, with the Planning Commission functioning as a Shoreline Advisory Committee as part of SMP update process. During development of the updated SMP, the Planning Commission received updates on the planning process and important issues related to shoreline management planning. A draft of the updated SMP was released for a 30-day informal review process prior to the Planning Commission Public Hearing; and,

SHORELINE DESIGNATIONS AND ZONING

The proposed amendments affect the all lands lying with 200 feet on a horizontal plane from the Ordinary High-Water Mark on the Methow and Twisp Rivers and those portions of zoning districts that lie within shoreline jurisdiction.

SEPA

SEPA review has been completed, no appeals or comments received.

60-DAY REVIEW

The required 60-day Department of Ecology review process has not been initiated

COMMENTS

Two comments, one from WDFW and another from the Town Attorney were received during the review process.

PROPOSAL

A strike-out copy of the proposed amendments to the Twisp SMP is attached hereto.

PROCESS

The Planning Commission held a Public Hearing on August 9, 2023 following which they made a recommendation to the Town Council to adopt a resolution of intent to adopt the SMP following Ecology review and approval as recommended by the Planning Commission, modify prior to submitting to Ecology or remanding back to the Planning Commission with specific guidance on revisions.

ACTIONS ON OTHER RELEVANT PERMITS

There are no relevant permit applications on file with the Town that depend on the SMP revisions.

FINDING OF FACT

1. Chapter 90.58 of the Revised Code of Washington established the requirement for a Shoreline Master Program and provide the Town of Twisp as the authority with jurisdiction on local shoreline management.
2. The periodic update process was undertaken in order to comply with requirements of the Shoreline Management Act and the Department of Ecology.
3. Only one comment was received during the preliminary review process.
4. A SEPA Determination of Non-Significance was issued on June 21st, 2023.
5. The proposed amendments to the Twisp SMP are consistent with the intent, goals and policies of the Shoreline Management Act.
6. Public Notice requirements regarding the June 9, 2023 public hearing on the updated SMP have been completed. The affidavit of publication for said notice is attached and incorporated herein.
11. The File of Record, Staff Report, and exhibits were received, admitted into the record and considered by the Planning Commission (hearing body).
12. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

CONCLUSIONS

1. The Town Council has authority to make amendments to the Twisp Municipal Code.
2. The site of the subject amendments is in the Twisp Town limits located on property with a mixture of residential, commercial, public and industrial uses.
3. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

LETTER OF TRANSMITTAL 4/18/2023

To: Honorable Mayor & Council
From: John Battle, Chair, Twisp Planning Commission
Subject: Planning Commission Recommendation on Proposed Amendments to Comprehensive Plan to add a Shoreline Element and a new Chapter 16.15 of the Twisp Municipal Code
Date: 9/22/2023
Cc: Project File

The Twisp Planning Commission has completed its review of the Periodic Updates required by the Department of Ecology to the City's Shoreline Master Program (SMP). The amendments are primarily in keeping with changes in Statute (RCW) and Regulations (WAC). The Commission discussed the SMP at nearly every meeting for the past 11 months, including a public workshop on March 9, 2022 and a public hearing on August 9, 2023. The hearing concluded a 30-day public review process wherein only two comments were received and no public testimony was taken.

At the conclusion of the hearing the following motion was made and passed unanimously:

Motion -

Commissioner Levi moved, seconded by Commissioner Tasker to recommend the town council adoption of a resolution of intent to adopt the updated SMP and move forward with the submitting the updated SMP to the Department of Ecology for the formal public review and approval process.

John Battle - Electronically signed 9/19/23

John Battle, Chair

Attachments: Staff Report, SEPA Checklist with Attachments

Town of Twisp
STATE ENVIRONMENTAL POLICY ACT
Determination of Non-Significance

Date: June 21, 2023

Lead agency: Town of Twisp

Agency Contact: Randy Kilmer

Agency File Number: SMP Periodic Update 2023

The Town of Twisp is proposing to update of the Shoreline Element of the Town of Twisp Comprehensive Plan and Chapter 16.15 Shoreline Master Program Twisp Municipal Code as required to keep the plan current and in compliance with state statute.

The Town has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). A copy of the Environmental Checklist and draft plan are available for review at Twisp Town Hall.

This determination is based on the following findings and conclusions:

Adoption of the Shoreline Master Program is considered a non-project action and will have no adverse-affect-on the environment. Prior to any development activities within the Town's shoreline area, additional SEPA review will be required as appropriate.

This DNS is issued under WAC 197-11-340(2) and the comment/appeal period will end on July 20, 2023. Comments and/or appeals must be made in writing to Randy Kilmer, Clerk Treasurer, Town of Twisp, 118 S. Glover Street, PO Box 278, Twisp WA 98856

Signature Kurt E. Danison
(electronic signature or name of signor is sufficient)

Date June 21, 2023

Publish June 29, 2023

CHAPTER 16.15 TWISP SHORELINE MASTER PROGRAM

Sections

16.15.010 Purpose

16.15.020 Applicability

16.15.030 General Provisions

16.15.040 Definitions

16.15.050 Letters of Exemption

16.15.055 Shoreline Substantial Development Permits

16.15.060 Conditional Use Permits

16.15.065 Variances

16.15.070 General Regulations

A. General

B. Critical Areas

1. General Rules and Regulations governing Critical Areas within Shorelines – [See Chapter 18.60 TMC](#)
2. Mitigation Sequencing – [See 16.60.090 TMC](#)

C. Flood Hazard Reduction – [See Chapters 16.10 and 18.60 TMC](#)

16.15.075 Use and Designation Specific Regulations

A. Accessory Utilities

B. Agriculture

C. Aquaculture

D. [Archaeological](#), Cultural, Educational, Historic and Scientific Resources

E. Boating Facilities

F. Commercial Uses and Activities

G. Industrial

H. Mining

I. Municipal Uses (includes all local governments)

J. Parking

K. Public Access (physical and visual)

L. Utilities

M. Recreation

N. Residential Development

O. Signage

P. Transportation

16.15.080 Shoreline Modification Regulations

A. General

B. Clearing and Grading

C. Dredging and Dredge Material Disposal

D. Fill

E. Shoreline Stabilization

F. Bulkheads

G. Vegetation Conservation

16.15.085 Land Use Intensity Guidelines

16.15.090 Shoreline Designations Map

16.15.095 Reasonable Use Exception

16.15.100 Appeals

16.15.105 Non-Conforming Structures

16.15.110 Non-Conforming Uses

16.15.115 Non-Conforming Lots

16.15.120 Enforcement, Violations and Penalties

16.15.010 Purpose

The purpose of this Chapter is to regulate development in shoreline areas as required by the Shoreline Management Act, as it now exists or hereinafter amended, to protect these areas and their functions and values in a manner that also allows reasonable use of private property. This chapter is intended to:

- A. Implement the Twisp Comprehensive Plan and the requirements of the Shoreline Management Act;
- B. Protect shoreline areas, in accordance with the Shoreline Management Act and through the application of the goals and policies in the Comprehensive Plan and implementation of the regulations contained herein in consultation with state and federal agencies and other qualified professionals;
- C. Protect the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, or steep slopes failure within the shoreline area;
- D. Protect unique, fragile and valuable elements of the shoreline environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
- E. Prevent cumulative adverse environmental impacts within the shoreline area to water quality and availability, wetlands, and fish and wildlife habitat;
- F. Provide flexibility and attention to site specific characteristics, so as to ensure reasonable use of property; and
- G. Provide appropriate guidance and protection measures for addressing the needs and concerns associated with shorelines areas that help define the quality of life in Twisp.

16.15.020 Applicability

These shoreline regulations shall apply as an overlay to zoning and other land use regulations established by the Town. Critical Areas lying within the shoreline area, shall comply with the regulations established herein.

- A. All land uses and/or development permit applications on all lots or parcels within the Town that lie within shoreline jurisdiction as designated in the Town of Twisp Comprehensive Plan (See Shorelines Section and Map III SMP-1 in the Map Appendix) shall comply with the provisions of this chapter. No action shall be taken by any person that results in any alteration of any shoreline area except as consistent with the purposes, objectives and intent of this chapter.
- B. These shoreline regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination.

16.15.030 General Provisions

- A. In the event of any conflict between these regulations and any other regulations, that which provides greater protection to shoreline area(s) shall apply. The provisions contained herein

shall be the minimum requirements and shall be liberally interpreted to serve the purposes of this chapter.

B. References to the Twisp Municipal Code (“TMC”), the Revised Code of Washington (“RCW”), the Washington Administrative Code (“WAC”), the Town of Twisp Comprehensive Plan (including maps, Addendums, and Appendices thereto), or to any other external law, rule, or regulation, will be considered a reference to the most-current version of each.

C. The Administrator shall be responsible for making interpretations of the meaning of the provisions of this Chapter in the event interpretations are required to give meaning to the provisions of this Chapter consistent with the purposed of this Chapter and to connect (a) any inaccurate internal cross-references; or (b) any external citations to laws or regulations.

D. This Chapter repeals and replaces any previously approved Twisp Shoreline Master Program.

16.15.040 Definitions

Definitions explain shoreline uses and concepts, are important for interpretation and administration of the SMP, and are helpful in legal challenges. This chapter lists the official (legal) definitions of terms used in this SMP. As used in this SMP, unless context required otherwise, the following definitions and concepts apply:

“A”

“Act” means the Washington State Shoreline Management Act of 1971, chapter 90.58 RCW, as amended.

“Accessory Building or Use” means a subordinate building or use which is located on the same legal lot as the principal building or use.

“Accessory utility” means local transmission and collection lines, pipes, and conductors associated with water, sewer, gas, telephone, cable-TV, or similar utilities, or with irrigation systems, and other similar facilities intended to serve a development or an individual use, including access roads and appurtenant structures necessary to facilitate the utility use.

“Administrative Authority” shall, in the context of these regulations, mean the Town Clerk for the Town of Twisp.

“Administrator” ~~see 18.10.010 TMC shall, in the context of this master program, mean the duly appointed representative Twisp Community Development Director, or that official’s designee, duly appointed representative of the County, city Town, town or Tribe with jurisdiction.~~

“Adoption by Rule” means an official action by the department to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, chapter 34.05 RCW, thereby incorporating the adopted shoreline master program or amendment into the state master program.

“Advertising Sign” Any device, structure, fixture or placard that is visible from the public right-of-way or surrounding properties and which uses graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods or service.

“Agriculture” and “agricultural activities” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

“Agricultural Equipment” and “Agricultural Facilities” includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains; (ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) Farm residences and associated equipment, lands, and facilities; and (iv) Roadside stands and on-farm markets for marketing fruit or vegetables.

“Agricultural Land” means those specific land areas on which agriculture activities are conducted.

“Agricultural products” includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

“Animal feeding operation” or “AFO” means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

“Appurtenance” means development that is necessarily connected to the use and enjoyment of single-family residences 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 drainfield and grading which does not exceed 250 cubic yards, and which does not involve placement of fill in any wetland or waterward of the ordinary high-water mark.

“Aquaculture” means the culture or farming of food fish, shellfish, or other aquatic plants or animals. Aquaculture is an activity of statewide interest. It is a water-dependent use and, when consistent with control of pollution and prevention of damage to the environment and undertaken in conformance with the provisions of this SMP, is a preferred use of the water area.

“Aquifer Recharge Areas” Area with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

“Archaeological resource/site” means archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered, are located on Town of Twisp shorelands and, including, but not limited to, submerged and submersible lands and the bed of the rivers within the state’s jurisdiction, that contains archaeological objects. Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter. “Significant” is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. That are associated with the lives of significant persons in our past; or
- c. That embodies the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That has yielded or may be likely to yield, information important in history or prehistory.

“Associated Wetlands” is synonymous with “wetlands” or “wetland areas” means wetlands that are in proximity to, lakes, rivers or streams that are subject to the SMA and either influence or are influenced by such waters. Factors used to determine proximity and influence include, but are not limited to: location contiguous to a shoreline waterbody, formation by tidally influenced geo-hydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

“Average Grade Level” means the average of the existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; ~~means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.~~ Calculation of the average grade level shall be made by averaging the ground elevations at the center of all exterior walls of the proposed building or structure.

“B”

“Bed and breakfast” means an owner-occupied single-family dwelling in which not more than two bedrooms are rented to the traveling public (tourists). For the purposes of this title, this use is not considered a commercial use. This use shall have the outward appearance of a single-family residence and food service in accordance with WAC 246.215.180.

“Best available science” The current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925, for when used within this SMP, the most current, accurate, and complete scientific and technical information available WAC 173- 26-201(2)(a).

“Best management practices” means (BMP’s) means conservation practices or systems of practices and management measures that:

- a. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment.
- b. Minimize adverse impacts to surface water and ground water flow, circulation pattern, and to the chemical, physical, and biological characteristics of waters, wetlands, and other fish and wildlife habitats.
- c. Control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material.

“Boating facilities” means developments and uses that support public access to shoreline waters for purposes of boating.

“Bulkhead” A structure erected generally parallel to and near the OHWM for the purpose of protecting adjacent uplands from waves or current action.

“Bulk storage” means non-portable storage of bulk products in fixed tanks.

“Building” Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind and not including advertising signboards or fences.

“Buffer area” or “buffer zone” means an area that is contiguous to and protects a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

“Buffer Vegetation” means the vegetation area adjacent to a shoreline that separates and protects the shoreline aquatic area from adverse impacts associated with adjacent land uses.

“Buffer, Wetland” means the vegetation area adjacent to a wetland that separates and protects the wetland aquatic area from adverse impacts associated with adjacent land uses.

“C”

“CAFO” Concentrated Agricultural Feeding Operation, as defined by the Code of Federal Regulations 122.23.

“Campgrounds” means a development providing facilities for outdoor recreational activities, including structural improvements such as covered cooking areas, group facilities, self-contained travel trailer/motor home sites, tent sites, restroom and shower facilities, and laundry facilities for the convenience of temporary occupants. This definition includes camping clubs when developed in accordance with applicable state laws.

“Channel migration zone (CMZ)” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

“Clearing” The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

“Commercial use” Facilities used or established to provide goods, merchandise or services for compensation or exchange, excluding facilities for the growth, production, or storage of agricultural products.

“Community boating facilities” including docks, piers, ramps, marinas, etc. ...are typically designed and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-waterfront property owners. A homeowner’s associate usually owns shoreline tract(s) or easement(s) providing for the potential placement of the facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned a public entity and the entity has authorized the facilities, then the multiple upland property owners of a residential development would also be considered community boating facilities.

“Community joint-use recreational dock” means a dock intended for the common use of the residents of adjoining parcels or subdivision, shore subdivision, or community located on adjacent uplands. A community joint-use recreational dock shall not be a commercial endeavor and shall not for the purpose of serving the public.

“Comprehensive Master Program Update” means a master program that fully achieves the procedural and substantive requirements of the department's shoreline master program guidelines effective January 17, 2004, as now or hereafter amended.

“Conditional use, Shorelines” means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

~~“Critical aquifer recharge areas” see 18.60.130.~~

“Critical Areas” Critical Areas include the following areas and ecosystems, as designated by the ~~County, city, Town, town or Tribe with jurisdiction~~ Town: Wetlands; Areas with a critical recharging effect on aquifers used for potable water; aquatic, riparian, upland and wetland Fish and Wildlife habitat conservation areas; Frequently flooded areas; Channel Migration Zones; and geologically hazardous areas.

“Critical areas report” is a report prepared by a qualified professional required by the agency with jurisdiction that inventories and analyses the development impacts of the proposed action on a critical area. Critical Area report requirements are found in Chapter 18.60.080 TMC.

“Cumulative impacts” means the impact on the environment resulting from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of who undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

“D”

“Density” An expression of the intensity of use of property, usually indicated in the following manner: For residential uses, the ratio of dwelling units per unit of land area; for non-residential uses: Maximum amount of uses and/or floor area expressed a percentage or fraction of the size of the lot.

“Development” means a use consisting of the construction or significant exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(d).) [“Development” does not include dismantling or removing structure if there is no other associated development or redevelopment.](#)

“Development regulations” means the controls placed on development or land uses by the town of Twisp, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

“Dike” an artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

“Dock” means all platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation including but not limited to floats, swim floats, float plane moorages, and water ski jumps. Excluded are boat launch ramps.

- a. Private docks - over-water structures are constructed and utilized for private moorage by a single residential waterfront property owner; or an upland property owner adjacent to publicly owned shoreline where the public entity has authorized the placement of a private dock. Joint use dock facilities may also serve one waterfront property owner and one or more contiguous upland property owners; or may consist of two or more upland property owners adjacent to publicly owned shoreline, where the public entity has authorized the placement of a joint use dock.
- b. Community docks – are typically designated and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-water front property owners. A homeowner’s association usually owns a shoreline tract(s) or easement(s) providing for the potential placement of the dock facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized dock facilities, the dock facilities for multiple upland property owners of a residential development would also be considered community dock
- c. Public docks are constructed and utilized for use by the general public, typically owned and managed by a public agency and may include a boat ramp.

“Document of record” means the most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

“Dredge material disposal” means the disposal of material excavated waterward of the ordinary high watermark according to DNR disposal procedures manual.

“Dredging” means the removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies or from wetlands.

“Dwelling, multi-family” means a building containing ~~two~~three or more dwelling units.

“Dwelling, Single-family” means a detached building containing one dwelling unit.

“Dwelling unit” means a building or portion thereof designed exclusively for residential purposes on a permanent basis; to be used, rented, leased, or hired out to be occupied for living purposes having independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling unit.

“E”

“Ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201 (2)(c).

“Ecological restoration and/or enhancement” means an intentional activity that initiates, accelerates, or intended to recover ecosystem functions with respect to its health, integrity and sustainability. The practice of ecological restoration and/or enhancement includes a wide scope of projects including, but not limited to: erosion control, reforestation, removal of non-native species and weeds, revegetation of disturbed areas, daylighting streams (e.g. culvert/pipe removal, bring an artificially underground stream to the surface), reintroduction of native species, as well as habitat and range improvement for targeted species.

“Ecologically intact” shorelines, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies.

“Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitats and the associated ecological functions.

“Emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or Chapter 18.06 TMC, obtained. All emergency construction within the shoreline area shall be consistent with the policies of Chapter 90.58 RCW and the Twisp shoreline master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

“Emergency construction” is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3)(e)(iii)).

“Exempt substantial development” means any development of which the total cost or fair market value, whichever is higher, does not exceed ~~five thousand seven hundred eighteen dollars (\$5,718)~~ eight thousand five hundred four dollars (\$8,504) or dollar value as amended by the State of Washington Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state, and any development which does not meet the definition of substantial development contained herein. Note – exemption does not preclude compliance with the regulations contained herein, or provide an exemption from any other permit processes except as provided herein.

“Experimental aquaculture” means an aquaculture project that uses methods or technologies that are unprecedented or unproven in the State of Washington.

“F”

“Fair market value” of a development is the expected price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;(WAC 173-27-030(8))

“Feasible” means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; and
- b. The action provides a reasonable likelihood of achieving its intended purpose; and
- c. The action does not physically preclude achieving the project's primary intended legal use. In cases where this SMP requires certain actions unless they are infeasible, the burden of

proving infeasibility is on the applicant. In determining an action's infeasibility, the local or tribal government reviewing the application may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

“Feedlot” A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, a confined area or structure for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in dairy operations or structures on farms holding livestock primarily during winter periods.

“Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

“Fish and wildlife habitat conservation areas” habitats of priority species, priority habitats, and habitats of local importance for fish and wildlife that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, movement corridors, and areas of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.

“Floats” means a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.

“Floating homes” means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed typically lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

“Flood control works” means all development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

“Floodplain” is synonymous with one-hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon the flood ordinance regulation maps of the local or tribal government with jurisdiction.

“Floodplain management” means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

“Floodway” means the area, as identified in the SMP, that either: (i) Has been established in federal emergency management agency (FEMA) flood insurance rate maps or floodway maps; or (ii)

consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

“Forest Lands” means lands designated as forest lands, as required by the Growth Management Act, RCW 36.70A.170 and as regulated under RCW 76.09.

“Forest practices” means any activity conducted on or directly pertaining to forest land and associated with such activities as growing, harvesting, or processing timber, including but not limited to: road and trail construction, harvesting, final and intermediate, precommercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, and brush control. “Forest practice” shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

“Frequently flooded areas” means the floodplain, the future-flow floodplain, and those lands that provide important flood storage, conveyance and attenuation functions.

“Frontage” is the distance measured along the ordinary high-water mark.

“Future Flow Floodplain” means the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out without any measurable increase in flood heights.

“G”

“Geologically hazardous areas” means:

- A. Any area designated as a Geologically Hazardous Area by ~~the local government with jurisdiction~~ Town of Twisp; or
- B. Any other area that is not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns, because of the area's susceptibility to erosion, sliding, earthquake, or other geological events, including but not limited to:
 1. Channel migration zones;
 2. Erosion hazard areas: areas that contain soil types, according to Soil-Natural Resource Conservation Service's Soil Classification System, that may experience severe to very severe erosion;

3. Landslide hazard areas: areas that have the potential of risk of mass movement resulting from a combination of geologic, topographic, and hydrologic factors;
4. Seismic hazard areas: areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction;
5. Mine hazard areas: areas that are directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts;
6. Volcanic hazard areas: areas subject to pyroclastic flows, lava flows, and inundation by debris flows, mud flows, or related flooding resulting from volcanic activity.

“Geotechnical report” or “geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

“Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

“Gravel Pit” Land from which sand, gravel or quarried rock is extracted, but does not include extraction of metals, minerals or fossil fuels. (see Mining)

“Guidelines” means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs.~~the State of Washington’s adopted Shoreline Master Program guidelines (WAC 173-26, as amended).~~

“H”

“Habitat” means the specific area or environment in which a particular type of plant or animal lives.

“Hard shoreline stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion including but not limited to, bulkheads, rip-rap, jetties, groins, breakwaters, and stone reinforcement.

“Hazardous substances” see 18.10.080.

“Height, building” is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or this master program specifically requires that such

appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation.

“Historic Site” means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places, or any locally developed historic registry formally adopted by the Town of Twisp.

“Hotels and motels” Establishments for housing the traveling public on an overnight or short-term basis. Accessory restaurant and recreation facilities are usually available to non-guests as well as guests.

“Houseboat” A vessel, principally used as an over water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Principal use as an over-water residence means the occupant resides on the vessel in a specific location for a period exceeding thirty days in any one calendar year. This definition includes liveaboard vessels.

“I”

“Industrial use” means a use including manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.

“Inns, lodges and guest ranches” Establishments for housing and providing either organized entertainment (both active and passive) or recreational opportunities for stays, generally several nights in duration. This type of facility either provides all recreational opportunities on site or as part of an organized or duly licensed and/or permitted recreational activity on public or private lands in the vicinity of the inn, lodge or guest ranch.

“In-stream Structure” means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

“L”

“Landfill” means a disposal site or part of a site at which waste is placed in or on land and which is not a landspreading disposal facility, or as otherwise defined by Okanogan County, ~~any of the cities and towns therein~~, or the Colville Confederated Tribes. The most stringent definition shall apply.

“Land Use, High Impact” “High Intensity Land Use” means land use that includes the following uses or activities: commercial, urban, industrial, institutional, retail sales, residential (more than 1 unit/acre), high intensity new agriculture (dairies, nurseries, greenhouses, raising and harvesting crops requiring annual tilling, raising and maintaining animals), high intensity recreation (golf courses, ball fields), and hobby farms.

“Land Use, Low Impact” means land use that includes the following uses or activities, forestry (cutting of trees only), low-intensity open space (hiking, bird-watching, preservation of natural

resources, etc.), unpaved trails, utility corridor without a maintenance road and little or no vegetation management.

“Land Use Medium Impact” means land use that includes the following uses or activities, residential (1 unit/acre or less), moderate-intensity open space (parks with biking, jogging, etc.), conversion to moderate-intensity agriculture (orchards, hay fields, etc.), paved trails, building of logging roads, utility corridor or right-of-way shared by several utilities and including access/maintenance road.

“Large Woody Debris” or “LWD” means all wood greater than four inches (4”) in diameter naturally occurring or artificially placed in streams, including, branches, stumps, logs and logjams.

“Legal Pre-Existing Lot” a lot which was created prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the SMP.

“Legal Pre-Existing Structure” a building or structure which was existing prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the current requirements of the SMP.

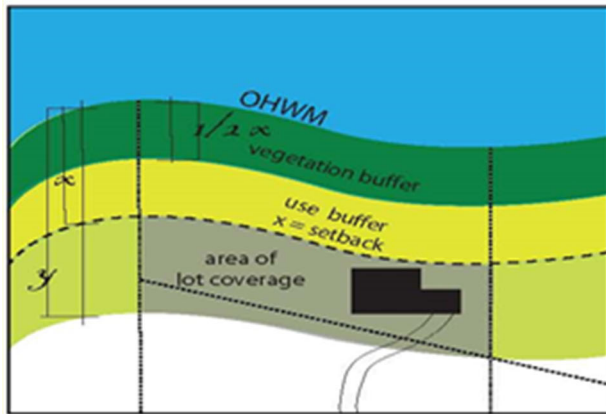
“Legal Pre-Existing Use” a use of the land which was lawful prior to the adoption, revision, or amendment of the SMP, but which fails, by reason of such adoption, revision, or amendment, to conform to the current requirements of the SMP.

“Limited Master Program Amendment” means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

“Litter container” means a container provided on public or private property for temporary disposal of wastepaper, used beverage or food containers, and other small articles of rubbish, trash, or garbage by users of the site. Every litter container shall be closed with a well-fitting lid or designed to reasonably prevent its contents from becoming litter.

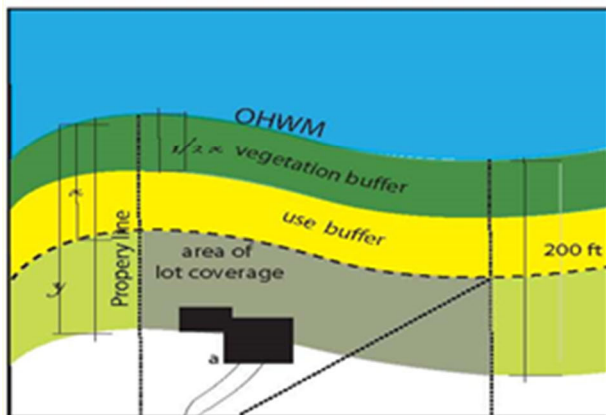
“Local Government” means the Town of Twisp ~~or any county, incorporated city or town or Tribal corporation which contains within its boundaries any lands or waters subject to the Shoreline Management Act.~~

“Lot Coverage, shoreline” That portion of a lot which, when viewed directly from above, would be covered by building(s) and/or structure(s) and/or impervious surfaces. The portion of the lot covered by the roof projection or eaves beyond the wall of the building(s) and/or structures(s) is not included in lot coverage.



Lot Coverage regulations apply to the area landward of the setback

Generic example of lot wholly within shoreline with setback, use buffer and vegetation buffer lines, and area where lot coverage standards apply



a. Example of lot partially within shoreline depicting: building setback, use buffer, vegetation buffer, and area where lot coverage standards apply

“Lot of Record” for the purposes of this plan a lot of record shall be any parcel created prior to the adoption of this plan or parcels created after the adoption of this plan consistent with the Town of Twisp subdivision regulations.

“Lot Width” The horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and rear lot line.

“M”

“Manure lagoon” means a waste treatment impoundment, in which manure is mixed with sufficient water to provide a high degree of dilution for the primary purpose of reducing pollution potential through biological activity.

“May” means an action is acceptable, provided it conforms to the provisions of this SMP.

“Manufacturing, heavy” means industrial enterprises and activities which possess potential nuisance or hazard components or place exceptional demands upon public facilities and services. Such facilities generally involve the manufacturing, assembly, fabrication and processing, bulk handling, storage, warehousing, and heavy trucking activity and normally require sites of larger size to accommodate these uses.

“Manufacturing, light” means a manufacturing use in which goods are produced without using heavy machinery, such as machine loaders, foundry machinery, metal, presses, etc., and without chemically

processing materials. Light manufacturing activities include but are not limited to the following activities:

- a. Manufacture, assembly, finishing, and/or packaging of small items from component parts. Examples include but are not limited to pottery, clothing, assembly of clocks, electrical appliances, or medical equipment.
- b. Production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, paper, wool or cork; or from textiles, semi-precious or precious metals or stones, or plastics.
- c. Production or bottling of beverages for human consumption, including but not limited to beer, wine and soft drinks.

“Marina” means a commercial facility which provides boat launching, storage, supplies and services for small pleasure craft. There are two basic types of marinas; open type construction (floating breakwater and/or open pile work) and solid type construction (bulkhead and/or landfill).

“Mineral extraction” means the removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this Program.

“Mineral Resource Lands” means lands designated as mineral resource lands, as required by the Growth Management Act, RCW 36.70A.170

“Mineral prospecting” means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

“Mining” The act of extracting from the earth minerals and/or ores via open pit, shaft, leaching, hydraulic, or other methods, except dredging and sand and gravel. Note that mining activities are subject to zoning regulations 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 restrict by zoning. Surface mining operations are also regulated by the Department of Natural Resources.

“Mitigation” means avoiding, minimizing, rectifying, reducing, compensating for, and/or monitoring an impact as defined in Washington State's SEPA rules, 197-11-768 WAC.

“Mitigation plan” ~~see 18.60.090. means a written report or authorization (by a state or federal agency) prepared by a qualified professional identifying environmental goals and objectives of the compensation proposed and including:~~

~~A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the mitigation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of~~

~~site mitigation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;~~

~~A review of the most current, accurate, and complete scientific and technical information supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and~~

~~An analysis of the likelihood of success of the compensation project.~~

~~The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this Title have been met.~~

~~The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as: The proposed construction sequence, timing, and duration; Grading and excavation details; Erosion and sediment control features; A planting plan specifying plant species, quantities, locations, size, spacing, and density; and Measures to protect and maintain plants until established. These written specifications shall be accompanied by detailed site diagrams, sealed cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.~~

~~"Mitigation (sequencing)" see 18.60.090.~~

"Mixed-use development" means a combination of uses within the same building or site as part of an integrated development project with functional interrelationships and coherent design. Mixed-use developments must include a water-dependent use(s) and provide a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration, except as provided for in WAC 173-26-241(3)(d).

"Monitoring" means evaluating the impacts of development on the environment (which may include biology, geology, hydrology, hydraulics, and other factors related to safety and shoreline ecological function) and determining how well any required mitigation measures are functioning through the monitoring period. Monitoring may also include collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features; and does also include gathering baseline data.

"Multi-family dwelling (residence)" means a single building, or portion thereof, designed for or occupied by three (3) or more families living independently of each other in separate dwelling units on one legal lot of record and, for the purpose of this code, includes triplexes, fourplexes, apartment buildings, and residential condominiums.

"Municipal uses" are those in support of local government functions and services. For the purposes of this SMP, recreational uses and utility facilities are excluded.

"Must" means an action is required.

"N"

“Natural Resource Lands” means lands designated as agricultural lands, forest lands, or mineral lands, as required by the Growth Management Act, RCW 36.70A.170.

“Navigable waters of the United States” For purposes of this plan, means a water body that in its ordinary condition, or by being united with other water bodies, forms a continued route over which commerce is or may be carried on with other states or foreign countries in the customary modes in which such commerce is conducted by water.

“Nonconforming Lot, shoreline” means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

“Nonconforming Structure, shoreline” ~~An existing structure built in conformance with SMP requirements in place at the time of construction or prior to the effective date of the adoption of this SMP that could not be built under the terms of this SMP or any amendment thereto.~~ Means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the SMP.

“Nonconforming Use” ~~An existing use allowed in conformance with SMP requirements in place at the time of initiation or prior to the effective date of the adoption of this SMP that could not be built under the terms of this SMP or any amendment thereto.~~ means an existing use allowed in conformance with SMP requirements in place at the time of initiation or prior to the effective date of the adoption of this SMP that could not be built under the terms of this SMP or any amendment thereto.

“Non-structural shoreline stabilization” includes building setbacks, and planning and regulatory measures to avoid the need for structural stabilization, vegetation stabilization and bioengineered stabilization.

“Non-water-oriented use” means a use that is not a water-dependent, water-related, or water-enjoyment use.

“No net loss of ecological functions” means a public policy goal and requirement to maintain the aggregate total of the Town of Twisp’s shoreline ecological functions at its current level. As a development standard, it means the result of the application of Mitigation Sequencing, in which impacts of a particular shoreline development and/or use, whether permitted or exempt, are identified and addressed, such that there are no adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

“O”

“Office of Financial Management” means the Office of Financial Management of the State of Washington.

“Official Map of Shorelines” means all maps adopted as part of this Master Program delineating the geographic boundaries of all designated water bodies of Okanogan County, the incorporated

municipalities, and the Indian Reservation therein, coming under the jurisdiction of the Shoreline Management Act of 1971.

“Open Space, Common” means land within or related to a development, not individually owned (undivided interest), which remains undeveloped (except for trails) and that is dedicated for use in the development and is retained or restored to its native state or used for agricultural or recreational purposes, e.g., part of an organized trail system, structure approved by the Department of Fish & Wildlife, and structures of historical/architectural preservation and/or wildlife habitat and/or recreation.

“Open space, Individual Ownership” Land within or related to a development owned individually, which remains undeveloped (except for trails) and that is dedicated for use in the development and is retained or restored to its native state or used for agricultural or recreational purposes as allowed by this SMP, e.g., part of an organized trail system, structure approved by the Dept. of Fish and Wildlife, and structures of historical/ architectural preservation significance or used as designated wildlife open space.

“Open Space, Public” Any land which has been acquired, set aside, dedicated, designated or reserved for general public use or enjoyment.

“Open Space, Conservation” Land retained in an open or unimproved condition, which has been set aside, dedicated, designated, or reserved for fish and wildlife preservation or enhancement purposes. Mechanisms for preservation of Conservation Open Space include but are not limited to: Subdivision or Planned Development (PD) ~~or Planned Destination Resort(PDR) or Binding Site Plan process.~~ Lands within this type of an open space dedication may include portions and combinations of forest, agricultural and grazing lands, priority fish and wildlife habitats, on-site watersheds, 100-year floodplains, shorelines or shorelines of state-wide significance and riparian areas and wetlands. Land so designated shall not include areas of human impact and shall contain no structures or impervious surfaces other than those which are approved by the Administrator e.g., part of an organized trail system, structure approved by the Dept. of Fish and Wildlife, and structures of historical/architectural preservation significance or used as designated Conservation open space.

“Ordinary High-Water Mark (OHWM)” means on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining fresh water shall be the line of mean high water.

“Over-water structures” Any structure located waterward of the OHWM. Common examples include, but are not limited to, residential piers, marinas, and bridges.

“P”

“Party of record” includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

“Permit” means any form of permission required under the Act or this shoreline master program ~~prior to the Colville Tribes Shoreline Management Plan~~, prior to undertaking activity on shorelines of the state, including substantial development permits, variance, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting and shoreline exemptions.

“Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

“Placer mining” the mining (by panning or dredging) of alluvial (waterborne) or glacial deposits of precious metals or minerals, usually in stream beds or valleys adjacent to uplands rich in these minerals.

“Primary utilities” are transmission, collection, production, or treatment facilities that are generally regional or area wide in scope and provide the primary service to a large area and may or may not be connected directly to the uses along the shoreline. Utilities include primary transmission facilities related to a hydropower and communications, and distribution or collection systems for water, sewer mains, gas and oil pipelines, and wastewater and water treatment plants.

“Priority Habitat” means a habitat type with unique or significant value to one or more species and designated as Priority Habitat by the Washington Department of Fish & Wildlife.

“Priority Species” means a species requiring protective measures and/or management guidelines to ensure its persistence at genetically viable population levels designated as Priority Species by the Washington Department of Fish & Wildlife.

“Provisions” means policies, regulations, standards, guideline criteria or shoreline designations.

“Public Access” means the public's right to get to and use the State's public waters the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic roads and overlooks, viewing towers and other public sites or facilities.

“Public Trust Doctrine” means a legal principle derived from English Common Law. The essence of the doctrine is that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the state.

“Q”

“Qualified professional” a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional will have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and have at least two years of related work experience. A geologist must have a state license.

“R”

“Recreation, low-intensity” means recreation that does not require developed facilities other than unimproved trails and can be accommodated without change to the area or resource other than development of trails and placement of litter containers and directional and interpretive signs. Examples are hiking, shore fishing, and bicycling.

“Recreation, high-intensity” means uses with specially built facilities, or occurs in such density or form that it requires or results in a modification of the area of resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

“Recreational development” “Recreational Development” means the modification of the natural or existing environment to accommodate recreation. This includes clearing land, earth modifications, structures and other facilities such as parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, wildlife enhancement (wildlife ponds are considered and excavation), and other low intensity outdoor recreation areas.

“Recreational uses” Uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body. Examples include, but are not limited to, parks, camps, camping clubs, launch ramps, golf courses, viewpoints, trails, public access facilities, public parks and athletic fields, hunting blinds, and other low intensity use outdoor recreation areas. Recreational Uses that do not require a shoreline location, nor are related to the water, nor provide significant public access are considered non-water-oriented. For example, a recreation uses solely offering indoor activities would be considered non-water-oriented.

“Recreational Vehicle (RV) Park” A tract of land developed with individual sites for rent and containing roads and utilities to accommodate recreational vehicles or tent campers for vacation or other similar short stay purposes.

“Residential development” means one or more buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, mobile homes, short and long divisions of land and other structures that serve to house people. "Exempt Single Family Residential"- Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his or her family. "Non-exempt Single Family"- (e.g. seasonal or year round rentals), development of a residential single family unit not lived in by owner or his/her own family. "Multi-family Residential"- Can include duplex, 3 or more residential units, apartments, townhomes and condominiums.

“Responsible Official” shall mean elected Mayor or Town Clerk/Treasurer or their designee.

“Restore,” “restoration” or “ecological restoration” means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

2.142 "Riparian Area" means those transitional areas between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral (with existing riparian vegetation) streams, lakes, and estuarine-marine shorelines.

“Riparian Areas” means those transitional areas between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral (with existing riparian vegetation) streams, lakes, and estuarine-marine shorelines.

“Riprap” means broken stone or other hardening material placed along the shoreline of a lake, river, or stream to prevent erosion or provide stability.

“S”

“Sanitary landfill” means a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a land spreading disposal facility.

“Seasonal” A temporary use the duration of which is related to an identifiable climatic, cultural, or recreational period. (i.e., summer, winter, fall, spring, Christmas, ski season).

“Setback” means the required minimum distance between the ordinary high-water mark and the outer-most vertical plane of any building, structure, device, fence, swimming pool, landscaped or graded area, or other improvement causing a disturbance to the natural landscape.

[“Shall” means a mandate; the action must be done.](#)

“Shoreline Frontage” means the land measured in linear feet that lies adjacent to the lake, river, or stream subject to this program.

“Shoreline Ecological Function” see “Ecological Function”.

“Shoreline Jurisdiction” or “Shoreline Area” means:

- A. Type I Water: “shoreline jurisdiction” or “shoreline area” means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways (meaning floodways includes as a minimum, the floodway and the adjacent land extending landward two hundred feet therefore); and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter.
- B. Type II Water: All other waters within shoreline jurisdiction: shoreline jurisdiction or shoreline area shall be defined that those lands lying 200 feet as measured on a horizontal plane from the ordinary high-water mark of all water bodies subject to this SMP or the one-hundred-year floodplain and any wetlands associated therewith, whichever is greater, as shoreline area subject to the provisions of this Chapter.

“Shoreline Master Program” or “SMP” means the comprehensive use plan for the shoreline area of a jurisdiction subject to this title, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.

“Shoreline Modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

“Shoreline permit” means a shoreline substantial development permit, a shoreline conditional use, or a shoreline variance, or any combination thereof issued by the Town of Twisp pursuant to RCW 90.58.

“Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

- a. Shorelines of statewide significance.
- b. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

“Shorelines of the State” are the total of all "shorelines" and "shorelines of state wide significance" within the state.

“Shorelines of State wide Significance” in Twisp means:

- a. Those lakes, whether natural, artificial or a combination thereof with a surface acreage of one thousand acres or more measured from the ordinary high-water mark.
- b. Those natural rivers or segments thereof that are downstream of a point where the mean annual flow is measured at two hundred cubic feet per second or more, or those portions of

rivers downstream from the first three hundred square miles of drainage area, whichever is longer.

- c. Those shorelands associated with such water bodies.

~~“Shoreline of Tribal Significance” means any Shoreline Area within the Colville Indian Reservation.~~

“Short Subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, including any remaining portions of the parent parcel for any lot created through the use of the applicable local subdivision code or ordinance.

“Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

“Soft shoreline stabilization” means shore erosion control and restoration practices using only plantings or organic materials to restore, protect or enhance the natural shoreline environment.

“Solid Waste” means all putrescible and non-putrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

“Special Event” Any event (excluding those events allowed through the festival permitting process) that happens for more than three (3) consecutive days per event and no more than twice (2) per year.

“Special Event Camping” Any ten (10) or more recreational vehicles, tents, or temporary structures designed for temporary habitation, or any combination thereof, limited to the duration of the special event (whether related to a special event or not) and (1) week before and one (1) week after.

“SEPA” means the Washington State Environmental Policy Act, 43.21C RCW.

“State Master Program” means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

“Structural shoreline stabilization” means shore erosion control practices using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion, examples include, bulkheads, concrete walls, rip-rap, jetties, groins, breakwaters, stone reinforcement.

“Structure” Anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences or paved areas, or standard roof mounted antennas.

“Subdivision, Long” is the division or redivision of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership as further defined by the Title 16 Twisp Municipal Code.

“Substantial accessory use facilities” Substantial accessory including but not limited to rest rooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas associated with recreational development.

“Substantial development” “Substantial development” shall mean any development of which the total cost or fair market value exceeds ~~six thousand four hundred sixteen dollars (\$6,416)~~ eight thousand five hundred and four dollars (8,504) or dollar value as amended by the State of Washington Office of Financial Management (OFM), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established must be adjusted for inflation by the ~~office of financial management~~OFM every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

- ~~A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;~~
- ~~B. Construction of the normal protective bulkhead common to single family residences;~~
- ~~C. Emergency construction necessary to protect property from damage by the elements;~~
- ~~D. 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. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;~~
- ~~E. Construction or modification of navigational aids such as channel markers and anchor buoys;~~

- ~~F. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his or her 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 this chapter;~~
- ~~G. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if the fair market value of the dock does not exceed \$11,200 ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter; This exception applies if the fair market value of the dock does not exceed:~~
- ~~H. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;~~
- ~~I. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;~~
- ~~J. 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;~~
- ~~K. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - ~~1. The activity does not interfere with the normal public use of the surface waters;~~
 - ~~2. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;~~
 - ~~3. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;~~
 - ~~4. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and~~
 - ~~5. The activity is not subject to the permit requirements of RCW 90.58.550;~~~~
- ~~L. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the~~

~~department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.~~

“Substantially degrade” means cause significant ecological impact.

“T”

“Temporary” means having a specific, short-term duration. (See Seasonal).

“Temporary sign” means a sign not intended to be permanently installed.

“Temporary Use” A use that is limited in scope, duration, and frequency.

“U”

“Upland”, when used as an adjective, means outside of the shoreline area.

“Uplands” means those lands outside of the shoreline area and not under shoreline jurisdiction.

“Urban growth” “Future Service Area” or “City Expansion Area” means a regional boundary, set in an attempt to control urban sprawl by encouraging that the area inside the boundary be used for higher density urban development and the area outside is used for lower density development.

“Use” means the purpose for which the land or structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained.

“V”

“Variance, Shorelines” An adjustment in the application of the bulk, height and setback regulations of this Chapter to a particular piece of property, in a situation where the property, because of special circumstances found to exist on the land, is deprived as a result of the imposition of the shoreline regulations of privileges commonly enjoyed by other properties in the same vicinity and shoreline designation. A variance shall be limited to only that adjustment necessary to remedy the disparity in privilege. A variance shall not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone and subject to the same restrictions. Economic hardship is not grounds for a variance.

“Vegetation Conservation” includes activities to prevent the loss of plant communities that contribute to the ecological functioning of shoreline areas. Vegetation conservation deals with the protection of existing diverse plant communities along the shorelines, aquatic weed control, and the restoration of altered shorelines by reestablishing natural plant communities as a dynamic system that stabilizes the land from the effects of erosion.

“Visual public access” see public access.

“W”

“Water-Dependent use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its

operations. Examples of water-dependent uses may include marinas, water intake systems and sewer outfalls.

“Water-Enjoyment Use” means a recreational or similar use facilitating public access to the shoreline as a primary character of the use; or, a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of use and which, through location, design and operation assures the public’s ability to enjoy physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to shorelines of the state; and general water-enjoyment uses may include but are not limited to restaurants, museums, aquariums, scientific/ecological reserves, resorts, and mixed-use commercial; PROVIDED that such uses conform to the above water-enjoyment requirements and the provisions of this Chapter.

“Water-oriented use” means any one or combination of water-dependent, water-related or water-enjoyment uses.

“Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

“Watershed restoration plan” means a plan developed or sponsored by the Washington Departments of Fish and Wildlife, Ecology, or Transportation; a federally recognized Indian tribe acting within and pursuant to its authority; a Town; a county; or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

“Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water: or (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers make its services less expensive and/or more convenient. Water-related uses may include fish hatcheries.

“Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- a. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged,

and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

- b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the OHWM of the stream.

“Wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

“Wetland Buffer” The area contiguous with a wetland that maintains the functions and/or structural stability of the wetland.

“Wetland mitigation bank” see 18.60.160.

“Woody Debris” means all wood naturally occurring or artificially placed in streams, including, branches, stumps, logs and logjams.

Words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word “shall” is mandatory and not permissive.

Definitions for terms requiring definitions not found herein shall be determined from the following sources, and if a conflict should arise between sources, such definition shall be established in the following priority:

- 1) RCW 90.58, WAC 173-26, WAC 173-27, WAC 173-22
- 2) Black’s Law Dictionary by Henry Campbell Black, 3rd Edition, Publisher’s Editorial Staff, St. Paul, West Publishing Company 1933, and subsequent amendments thereto.
- 3) Webster’s New Collegiate Dictionary, G & C. Merriam Company, Springfield, Massachusetts, U.S.A., and subsequent amendments thereto.

16.15.050 Letters of Exemption

A. Application and interpretation of exemptions.

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the requirements for a substantial development permit.
2. An exemption from the substantial development permit process is not an exemption from compliance with the act or the Chapter, nor from any other regulatory requirements. A development or use that is listed as a conditional use pursuant to TMC 16.15.070 Table 2 herein or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance.
3. The burden of proof that a development or use is exempt from the permit process is on the applicant.
4. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
5. The Town may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the act and this Chapter.

B. Letters of exemption shall be issued whenever a development is determined to be exempt from the substantial development permit requirements pursuant to WAC 173-27-040 and the development is subject to one or more of the following federal permit requirements:

- a. A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899; (The provisions of section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.) or
- b. A section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)
- c. The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the analysis of the consistency of the project with the master program and the act.

C. The following developments shall not require substantial development permits:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed eight thousand five hundred four dollars (\$8,504), if such development does

not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
3. Construction of the normal protective bulkhead common to single-family residences. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high-water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.
4. Emergency construction necessary to protect property from damage by the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, That a feedlot of any size, all processing plants, other activities of a

commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

6. Construction or modification of navigational aids such as channel markers and anchor buoys;
7. 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. 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 OHWM. Construction authorized under this exemption shall be located landward of the OHWM;
- ~~8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if:
 - a) ~~In fresh waters, the fair market value of the dock does not exceed:~~
 - ~~1) twenty-two thousand five hundred dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or~~
 - ~~2) eleven thousand two hundred ten thousand dollars for all other docks constructed in fresh waters, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.~~~~
9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

11. 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;
12. Any project with a certification from the governor pursuant to chapter 80.50 RCW;
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - a) The activity does not interfere with the normal public use of the surface waters;
 - b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - e) The activity is not subject to the permit requirements of RCW 90.58.550;
14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.08C RCW;
15. Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
16. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:
 - a) The project has been approved in writing by the department of fish and wildlife or, for forest practices hydraulic projects within the scope of RCW 77.55.181, the department of natural resources;
 - b) The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW or approval of a forest practices hydraulic project within the scope of RCW 77.55.181 from the department of natural resources; and

- c) The Town has determined that the project is substantially consistent with the shoreline section of the Comprehensive Plan and this Chapter. The Town shall make such determination in a timely manner and provide it by letter to the project proponent.
- d) Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline goals, policies and regulations, as follows:
 - 1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under i and ii of this subsection:
 - i. A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:
 - Elimination of human-made fish passage barriers, including culvert repair and replacement;
 - Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.
 - ii. The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and
 - iii. A fish habitat enhancement project must be approved in one of the following ways:
 - By the department of fish and wildlife pursuant to chapter 77.95 or 77.100 RCW;
 - By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;
 - By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;
 - Through the review and approval process for the jobs for the environment program;

- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;
 - Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and
 - Through other formal review and approval processes established by the legislature.
- e) Fish habitat enhancement projects meeting the criteria of 16 d) 1) of this subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of 16 d) 1) of this subsection and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.08C.030 (2)(c).
- f) A hydraulic project approval permit is required for projects that meet the criteria of this subsection and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this Chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to the Town. The Town shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.
- g) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this chapter.
- h) The Town may not require permits or charge fees for fish habitat enhancement projects that meet the criteria of this subsection and that are reviewed and approved according to the provisions of this section.
17. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et

[seq.\) or to otherwise provide physical access to the structure by individuals with disabilities.](#)

16.15.055 Shoreline Substantial Development Permits

- A. A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Section 16.15.050.
- B. In order to be approved, the decision maker must find that the proposal is consistent with the following criteria:
 - 1. All regulations of this [ProgramChapter](#) appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance under Section 16.15.065.
 - 2. All policies of the ~~is Program~~ [Shoreline Element of the Comprehensive Plan](#) appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated.
 - 3. For projects located on shorelines of statewide significance, the policies in the Shoreline Element related to such shorelines shall be also be adhered to.
- C. The Town may attach conditions to the approval of permits as necessary to assure consistency of the project with the Act and this Chapter:
 - 1. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, local government may authorize a single extension of a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties for record on the substantial development permit and to the department.
 - 2. Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.
 - 3. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections (2) and (3) of this section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed including all reasonable related administrative or legal actions on any such permits or approvals.
 - 4. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired: Provided, that this procedure shall not be used to extend the

original permit time requirements or to authorize substantial development after the time limits of the original permit.

5. The Town shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

D. Fees for Shoreline Substantial Development Permits shall be set by Council Resolution.

16.15.060 Conditional Use Permits

- A. Uses specifically classified or set forth in this [Shoreline Master Program Chapter](#) as conditional uses shall be subject to review and condition by the [responsible local government Administrator](#).
- B. Other uses which are not classified or set forth in this [SMPChapter](#) may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this [SMPChapter](#).
- C. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.
- D. Conditional Use Permit Review Criteria
 1. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the Town of Twisp or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.
 2. Uses which are classified or set forth in this Chapter as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the Twisp Shoreline Master Program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Chapter;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. That the public interest suffers no substantial detrimental effect.

- E. In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

F. Fees for Shoreline Conditional Use Permits shall be set by Council Resolution.

16.15.065 Variances

- A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Chapter and any associated standards appended to this Chapter such as critical areas buffer requirements where there are extraordinary or unique circumstances relating to the property and/or surrounding properties such that the strict implementation of this Chapter would impose unnecessary hardships on the applicant/proponent or thwart the policy set forth in RCW 90.58.020. Use restrictions may not be varied.
- B. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will suffer no substantial detrimental effect.
- C. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
1. That the strict application of the bulk, dimensional or performance standards set forth in this Chapter precludes, or significantly interferes with, reasonable use of the property;
 2. That the hardship described in ~~(11.14 C. 1.)~~ 16.15.065 A of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or from the applicant's own actions;
 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under of the Twisp Comprehensive Plan and shoreline master program ~~this Chapter~~ and will not cause adverse impacts to the shoreline environment;
 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 5. That the variance requested is the minimum necessary to afford relief; and
 6. That the public interest will suffer no substantial detrimental effect.

- E. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
1. That the strict application of the bulk, dimensional or performance standards set forth in this chapter precludes all reasonable use of the property;
 2. That the proposal is consistent with the criteria established under Section ~~11.14C~~ [16.15.065 C](#) 1 through 6; and
 3. That the public rights of navigation and use of the shorelines will not be adversely affected.
- F. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- G. Variances from the use regulations of this Chapter are prohibited.
- H. In authorizing a variance, special conditions may be attached to the permit by the Town of Twisp or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and this Chapter.
- I. Fees for Shoreline Variances shall be set by Council Resolution.
- J. On all variance applications, the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

16.15.070 General Regulations

A. General

1. Regulation of private property to implement any SMP goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes.
2. Rights reserved or otherwise held by Indian Tribes pursuant to Treaties, Executive Orders, or Statutes, including right to hunt, fish, gather, and the right to reserved water, shall not be impaired or limited by any action taken or authorized by the Town under this Chapter, and all rights shall be accommodated.
3. Any and all development or use activity which occurs within the areas coming under the jurisdiction of this Chapter and the Shoreline Management Act (SMA), whether it

requires a permit or not, must be consistent (in design, development and operation) with the intent of the SMA, conform to Chapter RCW 90.58 (SMA), this Chapter, adopted comprehensive plans, all applicable local regulations (including current zoning, subdivision, SEPA, critical areas, flood damage prevention or hazard reduction, health, sanitation, and building ordinances or codes), and any applicable state and federal regulations.

4. Emergency construction may be permitted subject to WAC 173-27-040(2)(d) (“Developments exempt from substantial development permit requirement”), when, as determined by Okanogan County Emergency Services or other formally designated local official in consultation with the Shoreline Administrator, that life and/or property is in danger. Emergency construction must be consistent with the policies of Chapter 90.58 RCW, ~~and this Chapter~~ [the Shoreline Section of the Comprehensive Plan](#) and with the regulations for shoreline modifications (Sections ~~16.15.060-080B, C and E and Sections 16.15.060 F, I and S herein~~). Prior to emergency construction, the landowner must agree that, upon abatement of the emergency situation any new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, WAC 173-27, or this Chapter, shall be obtained. Mitigation pursuant to consultation with appropriate resource agencies shall be required for any permit issued after an emergency action. Regular flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. The provisions of this Chapter do not require modification of or limitations on agricultural activities legally underway on agricultural lands as of the date of adoption of this Chapter.
6. All shoreline and shoreland uses and activities shall be located and designed to minimize or prevent the need for shoreline stabilization measures, flood protection works, filling and/or substantial site re-grading. The use of car bodies, scraps of building materials, tires, asphalt or concrete from street work, or any discarded pieces of equipment, appliances or other debris for the stabilization of shorelines is prohibited. See Shoreline Modification Regulations [16.15.080](#), for specific shoreline stabilization regulations and standards.
7. The disposal or dumping of solid waste is strictly prohibited in all shoreline areas, except in litter containers, which shall be regularly emptied, with the contents collected for transportation to an approved sanitary landfill or transfer station.
8. Dumping and/or burning of residential, commercial, industrial or municipal yard waste within the Zone 1 Vegetation Buffer is prohibited in all shoreline designations.
9. Where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost, bridges, utility lines, and other public utility and transportation structures may be allowed within the channel migration zone or floodway. Where such structures are allowed, mitigation shall address impacted functions and processes throughout the affected water body, including effects upstream and downstream of the

project site, and shall be adequate to ensure no net loss of shoreline ecological function. Impacts to views and vistas must also be mitigated.

10. No development designed for human habitation (e.g. houseboats, floating homes or cantilever type construction) is permitted on or over water.
11. All shoreline development shall be conducted so as to minimize the effects on water quality from the addition of suspended solids, leaching of contaminants, or disturbances to habitat, and shall be consistent with this Chapter as well as the requirements of applicable regulatory agencies, including but not limited to the Washington Departments of Ecology and of Fish & Wildlife and the U. S. Army Corps of Engineers. See following sections for activity specific regulations and standards.
12. In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring habitats and species.
13. All uses and activities, including those exempt from the requirement to obtain a shoreline substantial development permit, shall adhere to all required setbacks and other development standards, and shall retain all required buffers, in accordance with the provisions of this Chapter unless the use or activity is granted a variance.
14. Lot frontage shall be measured along the OHWM.
15. Lot coverage is the percentage of the parcel to be covered with impervious surfaces consistent with local zoning regulations.
14. [No new development shall be allowed in wetlands, shoreline vegetation conservation areas or their buffers without following mitigation sequencing as regulated by Chapter 18.60.090 TMC.](#)
15. [All clearing and grading activities shall be limited to the minimum necessary for the allowed or permitted development and shall comply with the provisions of 16.15.075 Table 1 and 16.15.075 Table 2 and the regulations in Section 16.15.080 B.](#)
16. [The Town shall give preference to biological or mechanical means rather than herbicides or insecticides for weed and pest control in shoreline areas. When agricultural chemicals, fertilizers and other spray materials are used, provisions shall be made to minimize their entry into any body of water by following guidance found in Eastern Washington Storm Water manual and seeking guidance provided by Washington State Department of Agriculture. Spraying over open water is prohibited except to control known risks to public health or as approved by the State for treatment of aquatic weeds. Herbicides and](#)

pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.

17. All shoreline uses and activities shall comply with the Storm Water Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as amended). Specific requirements include, but are not limited to:

- a. Solid and liquid wastes, untreated effluents, oil, chemicals, and other hazardous materials shall not be allowed to enter any body of water or to be discharged onto land. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- b. All shoreline uses and activities in all shoreline designations, both during construction and for the life of the project, shall use storm water best management practices to minimize any increase in surface water runoff and to control, treat, and release surface water runoff so that receiving water quality and shoreline ecological functions are not adversely affected. Such measures may include but are not limited to low impact development, dikes, catch basins, settling ponds, oil/water separators, grassy swales, interceptor drains, and landscaped buffers. All measures shall be adequately maintained to insure proper functioning over time. The Storm Water Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as amended) shall provide the preferred guidance for surface water runoff best management practices.

18. All shoreline areas to be disturbed by proposed individual uses and developments in all shoreline designations which cause adverse environmental impacts to occur to shoreline functions shall be restored in compliance with an approved mitigation management plan as found in Chapter 18.60.090 TMC and be subject to posting a reclamation bond. Vegetation from the recommended list (Comprehensive Plan Shoreline Appendix B) or other species authorized by the Town shall be used. Planting of non-native plant species shall be prohibited in Zone 1 buffer areas. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used. The owner, manager, agency or developer maintaining the facility/parcel shall also be responsible for maintaining the vegetation until it is established. See Section 16.15.080 G. Vegetation Conservation for specific regulations and standards.

19. Any vacation of right-of-way within the shoreline must comply with RCW 35.79.035, "Limitations on vacations of streets abutting bodies of water — Procedure", as it now exists and hereinafter amended.

20. Setback and Buffers

- a. Vegetation Conservation.

- 1). Restoration or enhancement of any shoreline area that has been disturbed or degraded shall use plant materials from the recommended list (Comprehensive Plan Shoreline Appendix B) or other species approved by agencies or organizations operating within the jurisdiction, such as the departments of Ecology, County Extension, Fish & Wildlife or the Native Plant Society.
- 2) Stabilization of erosion-prone surfaces along shorelines shall primarily use vegetative, non-structural means and shall comply with the provisions of Sections 16.15.~~060-080 E-A~~ and 16.15.~~008060 ES~~. More intensive measures may be permitted providing the project will result in no net loss in shoreline function.
- 3) Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited. This does not preclude the removal of noxious weeds, provided a mitigation management plan is submitted and approved.
- 4) Weed abatement shall comply with all provisions of this Chapter.
- 5) Non-destructive pruning and trimming of vegetation for maintenance purposes shall be permitted in compliance with View Corridor provisions of Section 16.15.~~060-075 NK~~.
- 6) Permits issued for projects in ecologically degraded areas shall include a condition that appropriate shoreline vegetation shall be planted or enhanced, to contribute to the restoration of ecological processes and functions.
- 7) If weather does not permit immediate restoration of disturbed areas, replanting shall be completed during the next planting season, and the soil shall be protected until replanting is complete.
- 8) Vegetation from the recommended list ([Shoreline](#) Appendix E) or other species authorized by the local government with jurisdiction shall be used. Native plants are preferred. Plants that may compromise shoreline values shall be prohibited. If necessary, a temporary sterile cover crop (e.g., a sterile non-persistent member of the grass family such sterile Triticale, barley, or oats) shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.
- 9) Replanted areas shall be maintained until desired vegetation is well established (a minimum of three years). In the case of transportation, utility, or other capital facility construction, the agency or developer constructing the facility shall also be responsible for maintaining the vegetation until it is established.

b. Measurement

- 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:

- (a) High-Intensity (30) CR Shoreline Designations, 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.
 - (b) High-Intensity (50) C1 Shoreline Designations, Vegetation Buffer Zone 1 shall include that 25' portion of the land from the OHWM.
 - (c) Residential 1 (30) (High Bank) Designations, 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.
 - (d) Residential 2 (50) (low bank), Vegetation Buffer Zone 1 shall include that 25' portion of the land from the OHWM.
 - (e) Urban Conservancy Designation, the Vegetation Buffer Zone 1 shall include that 50' portion of land from the OHWM.
 - (f) Natural Designation – the Vegetation Buffer Zone 1 shall include that 200' portion of land from the OHWM.
 - (g) Parallel Designations – For parallel Shoreline Designations (SD) 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.
- 2) Zone 2, Use buffers shall be measured on a horizontal plane from the landward side of the vegetation buffer or landward edge of the floodway, whichever is greater.
 - 3) Wetland buffers shall be measured from the Ordinary High-Water Mark or delineated edge of the wetland.
 - 4) All buffers, lot frontage and lot coverage requirements shall be as set forth in Table 16.15.070 except as follows:
 - (a) Standard shoreline setbacks and/or Zone 1 or 2 buffers and/or lot coverage may be reduced using procedures set up by Sections 16.15.070 Buffer Width Averaging and by 16.15.70 Administrative buffer reduction.
 - (b) Shoreline buffers in shoreline areas shall be comprised of a vegetation and use buffers as follows:

Zone 1 -Vegetation Buffer. The area one-half the distance of the setback (setbacks are listed in Table 8.1), in all shoreline areas is designated as a Vegetation Buffer. The vegetation buffer serves as restrictive protection zone

for all shoreline functions and values. In these areas, existing native vegetation or vegetation from the recommended list ([Shoreline](#) Appendix E) must be maintained and protected, except as provided for in Public Access - View Corridor Provisions (Section ~~8.02 K. 1. U~~[16.15.070 K.](#)) and Shoreline Modification Regulations - General (Section ~~8.03 A~~[16.15.080 A](#)), Clearing and Grading (Section ~~8.03~~[16.15.080](#) B) and Vegetation Conservation (Section ~~8.03~~[16.15.080](#) G) and Recreation (~~8.02~~[16.15.075](#) M)

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 ~~8.16.15.075~~[1](#) and uses limited to low intensity recreation, agricultural, accessory residential uses and accessory water-dependent and accessory water-related commercial uses.

- (c) Buffer Width Averaging. The total required shoreline buffer (Zone 1 + Zone 2) width may be modified by the Administrator for existing lots of record in place at the time of adoption of this Program, or legally created thereafter, by averaging buffer widths based on a critical areas report, mitigation management plan and SEPA document prepared by a qualified professional and submitted by the applicant. Buffer width averaging shall only be allowed where the applicant demonstrates all of the following:
- i. The project site and adjoining area contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;
 - ii. The width averaging shall not adversely affect the project site and
 - iii. adjoining area and buffer's functional value;
 - iv. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging unless a standard reduction is permitted through an administrative reduction as specified in Administrative Buffer Reduction (Section [16.15.075 TMC](#)).
 - v. The minimum buffer width at its narrowest point shall not be less than seventy-five (75%) percent of the buffer width established under Table ~~8.0~~[16.15.075](#) 1.
 - vi. Sites which have had buffer widths reduced or modified, by any prior action administered by the local government are only eligible for the provisions of this section if the modification shall not result in reduced buffer area.

- c. Administrative Buffer Reduction. The Administrator shall have the authority to reduce buffer widths established in Table [16.15.075 8.1](#) on a case-by-case basis; provided that the general standards for avoidance and minimization shall apply, based on a critical areas report, mitigation management plan and SEPA document prepared by a qualified professional and submitted by the applicant and when the applicant demonstrates to the satisfaction of the Administrator that all of the following criteria have been met:
- 1) The buffer reduction shall not result in a net loss of functions of the habitat buffer.
 - 2) The maximum buffer width reduction allowed shall not exceed twenty-five (25%) percent total required buffer established in Table [16.15.075 8.1](#).
 - 3) The buffer width reduction is contingent upon the submittal and approval of a critical areas report, mitigation management plan and SEPA document in conformance with Sections 18.60.[090](#)
 - 4) Sites which have had buffer widths reduced or modified, by any prior action administered by the local government are only eligible for the provisions of this section if the modification shall not result in reduced buffer area.
 - 5) In cases where there is less than 25' of existing riparian vegetation, the width of the buffers may be reduced, subject to the buffer Width Averaging or Administrative Buffer Reduction standards established above. To support a claim that the Buffer should be reduced, a planting plan shall be submitted in combination with a mitigation management plan and SEPA document prepared by a qualified professional and submitted by the applicant. The administrator's decision may be based on, but is not limited to, photographs of existing site conditions, and opinions of qualified professionals. In no case shall the Zone 1 buffer be decreased to less than 10'.
- d. Activities Exempt from Buffers and Setbacks: The following development activities are not subject to buffers and setbacks, provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, and provided further that they comply with all the applicable regulations herein:
- 1) Water-Dependent Development: Those portions of approved water-dependent development that requires a location directly adjacent to the ordinary high-water mark of streams, rivers, lakes, ponds, associated wetlands, and/or within their associated buffers.
 - 2) Modifications Necessary for Agency Compliance or Court Compliance: Modifications to existing development that are necessary to comply with environmental requirements of any State or Federal agency or court, when otherwise consistent with the Shoreline Master Program, provided that the reviewing official determines that:

- 3) The facility cannot meet the dimensional standard and accomplish the state, federal or court ordered modification necessary to bring it into compliance;
- 4) The facility's modifications are located, designed, and constructed to meet specified required modification standards necessary while complying with mitigation sequencing, and minimizing damage to ecological function and values of critical area and or shoreline; and
- 5) The modification follows necessary provisions for non-conforming development and uses.

~~(f) Shared Moorage: Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility.~~

- e. Buffer Exemption Criteria: As determined by the Administrator, for development proposed on sites separated from the shoreline by intervening, and lawfully created public roads, railroads, or an intervening parcel under separate ownership, the requirements of this code for a vegetation buffer may be waived. For the purposes of this section, the intervening lots/parcels, roads, or other substantial improvements shall be found to:
 - 1) Separate the subject upland property from the water body due to their width or depth; and
 - 2) Substantially prevent or impair delivery of most ecological functions from the subject upland property to the water body.
 - 3) Be greater than 30' in width, measured perpendicularly from the
 - 4) OHWM of the Shoreline; and
 - 5) Be in separate ownership, has not been subdivided in the last 5 yrs and the applicant does not have a vested interest in the waterward intervening parcel.
 - 6) Be developed; AND the Buffer Exemption shall not be allowed if the intervening parcel is not developed.

21. All clearing and grading activities shall be limited to the minimum necessary for the allowed or permitted development and shall comply with the provisions of Tables [816.15.070 1 and 2](#) and the regulations in Section 16.15.[080 B](#).

22. The town of Twisp shall give preference to biological or mechanical means rather than herbicides or insecticides for weed and pest control in shoreline areas. When agricultural chemicals, fertilizers and other spray materials are used, provisions shall be made to minimize their entry into any body of water by following guidance found in Eastern Washington Stormwater manual and seeking guidance provided by Washinton State Dept of Agriculture. Spraying over open water is prohibited except to control known risks to

public health or as approved by the State for treatment of aquatic weeds. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.

23. All shoreline uses and activities shall comply with the Stormwater Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as amended). Specific requirements include, but are not limited to:
 - a. Solid and liquid wastes, untreated effluents, oil, chemicals, and other hazardous materials shall not be allowed to enter any body of water or to be discharged onto land. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
 - b. All shoreline uses and activities in all shoreline designations, both during construction and for the life of the project, shall use stormwater best management practices to minimize any increase in surface water runoff and to control, treat, and release surface water runoff so that receiving water quality and shoreline ecological functions are not adversely affected. Such measures may include but are not limited to low impact development, dikes, catch basins, settling ponds, oil/water separators, grassy swales, interceptor drains, and landscaped buffers. All measures shall be adequately maintained to insure proper functioning over time. The Stormwater Management Manual for Eastern Washington (Washington Department of Ecology Publication 04-10-076, as amended) shall provide the preferred guidance for surface water runoff best management practices.
24. All shoreline areas to be disturbed by transportation, utility projects in all shoreline designations shall be restored in compliance with an approved mitigation management plan and be subject to posting a reclamation bond. Vegetation from the recommended list (Appendix E) or other species authorized by the Town shall be used. Planting of non-native plant species shall be prohibited in Zone 1 buffer areas. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used. The agency or developer maintaining the facility shall also be responsible for maintaining the vegetation until it is established. See Section [8.0316.15.080](#) G Vegetation Conservation for specific regulations and standards.
25. All shoreline areas to be disturbed by residential, commercial, municipal, recreational, aquaculture, boating facilities, mining, parking or industrial development in all shoreline designations shall be restored in compliance with an approved mitigation management plan (if required) and be subject to posting a reclamation bond. Vegetation from the recommended list ([Shoreline](#) Appendix E) or other species authorized by the Town shall be used. Planting of non-native plant species shall be prohibited within Zone 1 buffers.

Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used. The owner or manager of the use shall also be responsible for maintaining the vegetation until it is established. See Section 16.15.080 G Vegetation Conservation for specific regulations and standards.

TABLE 16.15.070 1
SHORELINE DEVELOPMENT STANDARDS

All uses and activities must comply with all applicable standards for the shoreline designation where the use or activity will occur. All development standards are subject to modification based on a site-specific assessment, but in no case shall the standards be reduced greater than 25% of the minimums stated below without the approval of a Shoreline Variance.

Standards	Aquatic	Natural ¹	Shoreline Recreation	Urban Conservancy	Shoreline Residential - 1 (high bank)	Shoreline Residential - 2 (low bank)	High Intensity (CR)	High Intensity (CI)
Zone 1 + 2 Combined Vegetation and Use Buffer Width and Setback²								
Non-Water Dependent or Oriented Uses and Activities	N/A	200'	80'	100'	30' OHWM ³	50' OHWM	30' TOB ⁶	50' OHWM'
Water-Oriented Uses and Activities	N/A	200'	30'	30'	30' OHWM	50' OHMW	30' TOB	50' OHWM
Water Dependent Uses and Activities ⁴	N/A	200'	0'	0'	0'	0'	0'	0'
Zone 1 Vegetative Buffer Width⁵								
Non-Water Dependent or Oriented Uses and Activities	N/A	200'	40'	50'	15'	25'	15'	25'
Water-Oriented Uses and Activities	N/A	200'	15'	15'	15'	25'	15'	25'
Water Dependent Uses and Activities	N/A	200'	0'	0'	0'	0'	0'	0'
Zone 1 Vegetation Buffer Allowed Alterations								
% of Vegetation Buffer that maybe altered for view corridor ⁶	N/A	0%	20%	10%	25%	25%	30%	30%

1 - In the Natural 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 Designation. Zone 1 + Zone 2 Setback = 200'.

2 - See 3 above

3 - High-bank, levee or high-bank rip rapped shoreline - the Zone 1 buffer area shall include areas from the OHWM to the top of the bank, or 15 feet whichever is greater. In no instance, shall a structure be located within 15' of the top of the bank. If the horizontal distance from the OHWM to the top of the bank exceeds 15', vegetation buffer requirements for Zone 1 will be applied the entire width to the TOB. In these instances, Zone 2 buffer requirements will be applied to areas from the TOB to the setback. In instances where the 15' exceed the horizontal distance to the TOB, Zone 1 buffer requirements apply to the entire 15' atop the bank.

4 - The setback may be reduced to 0' for those water-dependent uses (e.g. aquaculture, marinas, boat launches) that require location adjoining the water, but in all cases such a setback shall be limited to the smallest area possible.

5 - The Zone 1 Vegetation Buffer is 50% of the setback.

6 - Percent of shoreline that maybe altered is the percentage or 30', whichever is less.

Standards	Aquatic	Natural ⁹	Shoreline Recreation	Urban Conservancy	Shoreline Residential - 1 (high bank)	Shoreline Residential - 2 (low bank)	High Intensity (CR)	High Intensity (CI)
Zone 2 Use Buffer Width ⁷								
Non-Water Dependent or Oriented Uses and Activities	N/A	N/A	40'	50'	15'	25'	15'	25'
Water-Oriented Uses and Activities	N/A	N/A	15'	15'	15'	25	15'	25'
Water Dependent Uses and Activities	N/A	N/A	0'	0'	0'	0'	0'	0'
Zone 2 Use Buffer Allowed Alterations								
% of Use Buffer that may be altered in total for allowed uses and view corridors	N/A	N/A	40%	20%	50%		60%	60%
Dimensions/Lot Coverage Requirements								
Minimum Lot size (acres) ⁸	N/A	N/A	1	1	5000 sq ft		5,000 sq ft	2,500 sq ft
Minimum Water Frontage ⁹	N/A	N/A	100'	100'	50'		50'	50'
Maximum lot Coverage	N/A	N/A	30%	40%	50%		50%	
Side Yard setbacks	N/A	N/A	10	10	5		0-10 ¹⁰	
Maximum Structure Height								
Non-Water Oriented Uses and Activities	N/A	N/A	30'	30'	30'	30'	35'	30'
Water-Oriented Uses and Activities	N/A	N/A	25'	25'	30'	30'	35'	30'
Water Dependent Uses and Activities	10'	N/A	20'	20'	25'	25'	35'	30'

7 - The area between the Vegetation Buffer and Setback intended for low impact uses and activities subject to standards.

8 - Minimum lot size shall conform to underlying zoning requirements unless the underlying zone minimum lot size is less than what is allowed in this SMP. Minimum lot size only applies to lots or parcels created subsequent to the date of adoption of this SMP, lots existing at the time of adoption shall be considered existing legal non-conforming parcels.

9 - Minimum water frontage only applies to lots or parcels created subsequent to the date of adoption of this SMP, lots existing at the time of adoption shall be considered existing conforming parcels.

10 - Zero (0') lot lines may be allowed through submittal of a development plan as part of a permit process (such as a building permit, PD, Long plat, binding site plan etc) as long as views of the shoreline from upland properties or right-of -ways are maintained and the cumulative side yard setbacks meet or exceed 20'.

B. Critical Areas

1. General Rules and Regulations governing Critical Areas.

Critical areas within the shoreline area will be regulated under Chapter 18.60 TMC as it now exists or hereinafter amended.

~~The provisions of this section, along with the policies and regulations found within **Appendix C – Critical Areas Regulations**, shall apply to all critical areas within shoreline jurisdiction including wetlands, steep slopes and geo-hazard areas, riparian habitat areas, fish and wildlife habitat conservation areas, frequently flooded areas or any other area that meets the criteria for a critical area defined in Appendix C of this SMP. Any use, alteration or development within shoreline jurisdiction, whether or not a shoreline permit or written statement of exemption is required, shall be subject to the rules and regulations within Appendix C of this SMP.~~

~~**8.01 B. 1.a.** Unless otherwise stated, critical area buffers shall be protected and/or enhanced pursuant to this Chapter and Appendix C and all other applicable provisions of this Program.~~

~~**8.01 B. 1.b.** The hydrologic connection between water bodies, water courses and associated wetlands shall be protected.~~

~~**8.01 B. 1.c.** The cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.~~

~~**8.01 B. 2** Mitigation sequencing applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized offer:~~

~~**8.01 B. 2. a)** Avoiding the impact altogether by not taking a certain action or parts of an action;~~

~~**8.01 B. 2. b)** Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;~~

~~**8.01 B. 2. c)** Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;~~

~~**8.01 B. 2. d)** Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;~~

~~**8.01 B. 2. e)** Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and~~

~~**8.01 B. 2. f)** Monitoring the impact and the compensation projects and taking appropriate corrective measures.~~

2. Mitigation Sequencing – See 18.60.090 TMC

C. Flood Hazard Reduction ~~-Appendix C Ecology Approved Comprehensive Flood Management Plan~~ See Chapters 16.10 and 18.60 TMC

~~1. Development in floodplains should not significantly or cumulatively increase flood hazards or be inconsistent with comprehensive flood hazard management plans adopted pursuant to Chapter 86.12. RCW.~~

- ~~2. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be permitted when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.~~
- ~~3. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway;~~
 - ~~a. Actions that protect or restore the ecosystem-wide processes or ecological functions;~~
 - ~~b. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.~~
 - ~~c. Mining when conducted in a manner consistent with Section 8.02 H~~
 - ~~d. Mining, the shoreline environment designation, and with the provisions of WAC 173-26-241(3)(h);~~
 - ~~e. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed mitigation shall address impacted functions and processes in the affected shoreline.~~
 - ~~f. Repair and maintenance of an existing non-agricultural land use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions;~~
 - ~~g. Development in incorporated municipalities and designated urban growth areas, as defined in Chapter 36.70A RCW, where structures exist that prevent active channel movement and flooding;~~
 - ~~h. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.~~
- ~~4. Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development; that nonstructural measures are not feasible; that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and that appropriate vegetation conservation actions are undertaken consistent with Chapter 8, and WAC 173-26-221(5).~~
- ~~5. Structural flood hazard reduction measures shall be consistent with adopted comprehensive flood hazard management plans approved by the Department of Ecology.~~
- ~~6. Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be~~

~~authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis;~~

- ~~7. Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigated significant ecological impacts, unavoidable conflict with the proposed use, or cost that is disproportionate and unreasonable to the total long-term cost of the development.~~
- ~~8. Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with the provisions of WAC 173-26, Section 8.03 C, Dredging and Section 8.02 H Mining; and be allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.~~

16.15.075 Use and Designation Specific Regulations

A. Accessory Utilities

1. Accessory Utilities - General Regulations

Accessory utilities are small-scale distribution facilities connected directly to the uses along the shoreline. Electrical, gas, telephone, cable, water and sewer lines serving a residential development or a commercial establishment are examples of utilities accessory to shoreline uses. Transmission facilities related to a hydropower generating facility are not accessory utilities—they are primary utility facilities.

- a. Sites disturbed for utility installation shall be stabilized during and immediately following construction to avoid adverse impacts from erosion.
- b. Sites disturbed for utility installation shall be replanted using native species from the recommended list ([Shoreline Appendix E](#)), with a diversity and type similar to or better than that which originally occurred on the site. Questions about appropriate diversity, plant type, and plant species shall be directed to agencies with expertise, such as the departments of Ecology and Fish and Wildlife.
- c. Accessory utilities shall be placed landward of the permitted use setback requirements found in Table ~~8.4~~[16.15.075 A](#). Compliance with local health district standards for the placement of onsite sewer systems shall be indicated on pre-application drawings. If feasible, utility lines shall be placed underground. Where lines must be placed above ground, consideration shall be given to the maintenance of trees in the vicinity of the lines, and the utility line located to eliminate the need for topping or pruning trees.
- d. Existing rights of way and corridors shall be used whenever possible to accommodate the location of utilities except where no other feasible alternative exists. Accessory utilities that require continued maintenance (i.e. no growth over septic systems, electrical transmission lines that require removal of undergrowth) shall not be placed in Zone 1 or 2 Buffers (between OHWM and structure setback).

- e. Accessory Utilities should not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.
 - f. Accessory Utilities should not obstruct views or vistas that may alter the visual character of the shoreline environment and its associated water body. Measures to conceal or shield accessory utilities in the shoreline from the water or to protect important view sheds or vistas from the shoreline may be required as conditions for building and development permits.
 - g. Aesthetic measures such as material and earth tone color selections to mitigate visual impacts including, but not limited to, light pollution, glare, visual obstructions of views and vistas may be required by the administrator.
 - h. Underground placement shall given preference over overhead or above ground utilities where feasible.
 - i. Permanent stormwater management systems located in shoreline jurisdiction or serving property within the shoreline shall be designed using best management practices ensuring water quality treatment in compliance with the Stormwater Management Manual for Eastern Washington to prevent stormwater runoff from degrading or adding to the pollution of recipient waters or adjacent properties. Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or bindingsite plan map, building permit, property conveyance documents, maintenance agreements and /or improvement plans.
2. Accessory Utilities Designation Specific Requirements:
- a. Aquatic
 - 1) Prohibited except those required to serve a permitted water-dependent use.
 - b. Natural, Urban Conservancy, Shoreline Recreation, Shoreline Residential and High Intensity
 - 1) Allowed, as permitted by primary use.
- B. Agriculture
1. Agriculture General Use Regulations
- a. New agricultural activities on lands that did not have agricultural activities in place at the time of adoption of this Master Program; conversion of agricultural lands or the development of non-agricultural activities on agricultural lands; and uses in support of agricultural activities are governed by the provisions of this Master Program and subject to the following criteria:
 - 1) Non-Agricultural land¹¹ converted to an agricultural use shall preserve pre-existing riparian habitat and will have a buffer strip of native vegetation no less

11 - Non-agricultural lands are those lands that have not been subject to agriculture uses as defined in Chapter 2.

than the Zone 1 Vegetation Buffer setback for the shoreline designation where it is located. Said buffer will be established and maintained along shorelines to protect shoreline ecological functions. Disturbance of ground in Zone 2 of the Use Buffer is subject to Lot Coverage standards.

- 2) Uses and activities shall be consistent with regulations specific to the shoreline designation in which the site is located, including regulations in the tables of uses and development standards;
 - 3) Uses and activities shall be located and designed to ensure no net loss of ecological functions;
 - 4) Uses and activities shall not have a significant impact on other shoreline ecological function.
- b. Discharge of any manure storage facility into ground or surface water is prohibited.
 - c. New feedlots, AFOS and CAFOS, or any animal feeding operation that is subject to a CAFO permit as defined by Department of Ecology in WAC 173-95A-020 and manure lagoons are prohibited within shoreline jurisdiction.
 - d. Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit shall be required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(a)(vi).
2. Agriculture - Designation Specific Regulations
 - a. Aquatic, Natural
 - 1) Prohibited
 - b. Shoreline Recreation, Shoreline Residential
 - 1) Preference shall be given to non-commercial, community and/or personal gardens that may be used for personal use or small-scale market gardens
 - 2) Conversion of non-agricultural land to an agricultural use-Substantial Development Permit.
 - c. Urban Conservancy and High Intensity
 - 1) Conversion of non-agricultural land to an agricultural use for commercial purposes shall require a Conditional Use Permit.

8.02 C. Aquaculture

8.02 C. 1. Aquaculture - General Use Regulations

Aquaculture shall be prohibited within shoreline jurisdiction

~~8.02 C. 1. a. Aquaculture projects that involve minimal or no substrate modification shall be given preference over those that involve substantial modification. The applicant shall demonstrate that the degree of proposed substrate modification is the minimum necessary for~~

~~feasible aquaculture operations at the site. The installation of submerged structures and floating structures shall be allowed only when the applicant demonstrates that no alternative method of operation is feasible.~~

~~**8.02 C. 1. b.**—Aquaculture projects that involve minimal or no impact on the aesthetic qualities of the shoreline shall be given preference over those that involve substantial impact. The applicant shall demonstrate that the aesthetic impact is the minimum necessary for feasible aquaculture operations at the site.~~

~~**8.02 C. 1. c.**—Aquaculture projects that would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions (including spreading disease to native aquatic life or establishing new nonnative species that cause significant ecological impacts), shall be prohibited.~~

~~**8.02 C. 1. d.**—Aquaculture practices shall be designed to minimize use of artificial substances and shall use chemical compounds that are least persistent and have the least impact on plants, animals and water quality. Herbicides and pesticides shall be used only in conformance with state and federal standard and to the minimum extent needed for the health of the aquaculture activity.~~

~~**8.02 C. 1. e.**—Aquaculture projects that would significantly conflict with navigation or with established water dependent uses shall be prohibited.~~

~~**8.02 C. 1. f.**—Applications for aquaculture projects shall include all information necessary to conduct a thorough evaluation of the proposed aquaculture activity, including but not limited to the following:~~

~~**8.02 C. 1. f. 1)**—A site plan map including:~~

- ~~i.—The perimeter of the proposed aquaculture operations area.~~
- ~~ii.—Existing bathymetry depths based on the Ordinary High Water Mark(OHWM).~~
- ~~iii.—Adjacent upland use, vegetation, presence of structures, docks, bulkheads and other modifications. If there are shore stabilization structures, provide the beach elevation at the toe of the structure and the top of the structure (OHWM datum).~~
- ~~iv.—Areas where specific substrate modification will take place or structures will be constructed or installed.~~
- ~~v.—Access provisions.~~
- ~~vi.—Location of storage or processing structures or facilities.~~

~~**8.02 C. 1. f. 2)**—A baseline description of existing conditions, including best available information on:~~

- ~~i.—Water quality~~
- ~~ii.—Prevailing storm wind conditions~~
- ~~iii.—Current flows~~
- ~~iv.—Flushing rates~~

- ~~v. Areas of differing substrate composition.~~
- ~~vi. Areas of aquatic, and upland vegetation complexes.~~
- ~~vii. Existing shoreline or water uses and structures.~~
- ~~viii. Aquatic and benthic organisms.~~
- ~~ix. Assessment of aquatic species, and spawning and other lifecycle use of, or adjacent to, the site. Further baseline studies including surveys and sampling may be required depending upon the adequacy of available information, existing conditions, and the nature of the proposal.~~

~~8.02 C. 1. f. 3) — A detailed description of the project proposal including:~~

- ~~i. Species to be reared.~~
- ~~ii. Substrate modification or vegetation removal.~~
- ~~iii. Planting, harvest and processing location, method and timing, including work proposal and construction techniques proposed (list all hand tools, machinery used (such as track hoes, trucks or barges), type of work, frequency, and duration.~~
- ~~iv. Anticipated use of any feed, pesticides, herbicides, antibiotics, vaccines, growth stimulants, antifouling agents, or other chemicals, and an assessment of predicted impacts. No such materials shall be used until approval is obtained from all appropriate State and Federal agencies, including but not limited to the U.S. Food and Drug Administration, and the Washington State departments of Ecology, Fish and Wildlife, and Agriculture, as required, and proof thereof is submitted to the local government with jurisdiction. Compounds with the least persistence shall be used. An annual report of antibiotic use shall be submitted to the Okanogan County Health District. The report shall indicate the type and amount of antibiotics used during the previous calendar year. Actual usage data for all chemicals and antibiotics shall be maintained for review by Health District staff at all times.~~
- ~~v. Number of employees/workers necessary for the project, including average and peak employment.~~
- ~~vi. Methods of waste disposal and predator control.~~
- ~~vii. Methods to address pollutant loading, including biological oxygen demand (BOD).~~
- ~~viii. — Assessment of potential impacts on shoreline ecological functions and processes addressing the baseline conditions identified in the *Shoreline Characterization* (Appendix A), including but not limited to watershed level, indirect and cumulative effects.~~
- ~~ix. For floating culture facilities or other structures, the local government with jurisdiction may require a visual impact analysis. (See the Department of Ecology's "Aquaculture Siting Study" 1986 for general approach.) Depending on the size and complexity of the proposal, such analysis may be prepared by the~~

~~applicant without professional assistance, provided that it includes an adequate assessment of impacts.~~

- ~~x. Information demonstrating that the site has natural potential for the type(s) of aquaculture proposed, due to necessary substrate or other conditions, as well as water quality suitable for the type(s) of aquaculture proposed.~~
- ~~xi. Information demonstrating that the proposed aquaculture activities will not result in a net loss of shoreline ecological functions or processes or adversely affect Critical Areas.~~
- ~~xii. Information demonstrating that the proposed aquaculture activities will not substantially and materially conflict with areas devoted to established uses of the aquatic environment. Such uses include but are not limited to navigation, moorage, sport or commercial fishing, underwater utilities, and scientific research. Existing public opportunities for gathering wild stock aquatic resources on public lands shall be addressed in any application for aquaculture on public bedlands. Compensation for loss of public access to public aquatic resources may be required.~~
- ~~xiii. Other pertinent information deemed necessary by the Administrator. Applications for aquaculture activities must demonstrate that the proposed activity will be compatible with surrounding existing and planned uses.~~
- ~~xiv. Aquaculture activities shall comply with all applicable noise, air, and water quality standards. All projects shall be designed, operated and maintained to minimize odor and noise.~~
- ~~xv. Aquaculture activities shall be restricted to reasonable hours and/or days of operation when necessary to minimize substantial, adverse impacts from noise, light, and/or glare on nearby residents, other sensitive uses or critical habitat.~~
- ~~xvi. Aquaculture facilities shall not introduce incompatible visual elements or substantially degrade the aesthetic qualities of the shoreline. Aquaculture structures and equipment, except navigation aids, shall be designed, operated and maintained to blend into their surroundings through the use of appropriate colors and materials.~~

8.02 C. 1. g. ~~— If uncertainty exists regarding potential impacts of a proposed aquaculture activity, and for all experimental aquaculture activities, unless otherwise provided for, the local government with jurisdiction shall require baseline and periodic operational monitoring by a consultant approved by said government, at the applicant's expense, which continue until adequate information is available to determine the success of the project and the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.~~

8.02 C. 1. h. ~~— All aquaculture projects shall be submitted for review to local, state and federal agencies with expertise, including the Washington departments of Ecology and of Fish and~~

~~Wildlife, and to the operators of affected FERC licensed hydro projects. The local government with jurisdiction shall make available to those agencies the *Shoreline Inventory and Characterization* (Appendix A and Chapter 4) and maps developed as part of this SMP and shall request technical assistance in establishing any conditions that should be required of a project and in assessing the monitoring plan.~~

~~**8.02 C. 1. i.**— New aquatic species that have not previously been cultivated in Washington State shall not be introduced without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington Department of Health.~~

~~**8.02 C. 1. j.**— Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms prior to or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high-water mark.~~

~~**8.02 C. 1. k.**— Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act, RCW Chapter 90.48. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.~~

~~**8.02 C. 1. l.**— Predator control shall not involve killing or harassment of birds or mammals. Approved controls include, but are not limited to, overhead netting for birds. The use of other non-lethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.~~

~~**8.02 C. 1. m.**— In the event of a significant fish kill at the site of a net pen facility, the aquaculture operator shall immediately report to the Okanogan County Health District stating the cause of death and shall detail remedial action(s) to be implemented to prevent reoccurrence. Permits shall include provisions for adjustment or termination of the project at any time if such an event cannot be remediated to the satisfaction of the Health District may be required.~~

~~**8.02 C. 1. n.**— All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.~~

~~**8.02 C. 1. o.**— The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribe(s) as part of the permit review process.~~

~~**8.02 C. 1. p.**— Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the local government with jurisdiction shall require the posting of a bond commensurate with the cost of removal or repair. Said government may abate an abandoned or unsafe structure pursuant to the provisions of (TMC 8.05).~~

~~8.02 C. 2. — Aquaculture Designation Specific Requirements~~~~8.02 C. 2. a. — Aquatic, Natural~~~~8.02 C. 2. a. 1) — Conditional Use Permit~~~~8.02 C. 2. b. — Shoreline Recreation, Shoreline Residential, High Intensity~~

~~8.02 C. 2. b. 1) — All aquaculture located upland of the aquatic zone shall be permitted through a SDP only if in compliance with the other applicable sections of this SMP.~~

~~8.02 C. 2. c. — Urban Conservancy~~~~8.02 C. 2. c. 1) — Conditional Use Permit~~

D. Archaeological, Cultural, Educational, Historic and Scientific Resources

1. Archaeological, Cultural, Educational, Historic and Scientific Resources - General Use Regulations

The following regulations apply to all shoreline uses and activities in all shoreline designations and on all sites within shoreline jurisdiction having archaeological, cultural, or historic resources that are recorded at the Washington Department of Archaeology and Historic Preservation (DAHP) and/or with local jurisdictions, including the ~~cities and towns within Okanogan County~~, the Colville Confederated Tribes (CCT), the Yakama Indian Nation (YIN) and affected Indian tribes and bands; or that have been or may be inadvertently uncovered.

- a. Archaeological sites are subject to the National Historic Preservation Act, as amended (16USC470), RCW 27.44 (Indian Graves and Records), RCW 27.53 (Archaeological Sites and Resources), and WAC 25-48 (Archaeological Excavation and Removal Permit).
- b. All Shorelines of the State and any other sites identified by the DAHP and/or the CCT or YIN as having a high probability of containing significant archaeological and historic resources shall be considered suspected historic, cultural, or archaeological resources.
- c. Known or suspected historic, cultural, and archaeological sites:
 - 1) Notification of DAHP, or CCT and/or YIN and, if required, preparation of an evaluation and a report meeting the minimum reporting standards of the DAHP or Colville and/or Yakama Tribes (as appropriate). Such a report shall be prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61, shall be required before the start of any ground disturbance work in any area known to contain archaeological, cultural, or historic resources, regardless of whether a shoreline permit or exemption is required.
 - 2) Upon receipt of application for a shoreline permit or request for a statement of exemption for development on properties within 500 feet of a site known to contain an historic, cultural or archaeological resource(s), the local government with jurisdiction shall require an evaluation and a report meeting the minimum

reporting standards of the DAHP, Colville and/or Yakama Tribes (as appropriate), prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61; provided that, the provisions of this section may be waived if the Administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site.

- i. The fee for the services of the cultural resource management professional shall be paid by the applicant. The applicant shall submit a minimum of five (5) copies of the site assessment to the Administrator for distribution to the applicable parties for review.
 - ii. If the evaluation identifies the presence of significant historic, cultural, or archaeological resources, a Cultural Resource Management Plan (CRMP) shall be prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61. The fee for the services of the cultural resource management professional shall be paid by the applicant. In the preparation of such plans, the cultural resource management professional shall solicit comments from the DAHP, the History and Archeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable. The applicant shall submit a minimum of five (5) copies of the CRMP to the Administrator for distribution to the applicable parties for review.
 - iii. The recommendations and conclusions of the CRMP shall be used to assist the Administrator in making final administrative decisions concerning the presence and extent of historic, cultural, and archaeological resources and appropriate mitigating measures. The Administrator shall consult with the DAHP, the History and Archeology Department of the CCT, and any affected Indian or First Nations tribes or bands prior to approval of the CRMP.
 - iv. The Administrator may reject or request revision of the conclusions reached in a CRMP when the Administrator can demonstrate that the assessment is inaccurate or does not fully address the historic, cultural, and archaeological resource management concerns involved.
- 3) Upon receipt of a complete development permit application in an area of known or suspected historic, cultural, or archaeological resources, the Town shall notify and request a recommendation from appropriate agencies, including the DAHP, the CCT, and any Indian or First Nations tribes or bands known to be affected. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever feasible. Notification shall include the following information:
- i. The date of application, the date of notice of completion of the application, and the date of the notification;

- ii. A site map including the street address, tax parcel number, township, range, and section of the proposed project area;
 - iii. A description of the proposed project action and a list of the project permits included in the application, and, if applicable, a list of any studies requested by the local government with jurisdiction;
 - iv. The identification of other permits not included in the application, to the extent known by the local government with jurisdiction;
 - v. The identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - vi. Any other information determined appropriate by the the town of Twisp;
 - vii. Statement indicating those development regulations that will be used for project mitigation or a determination of consistency, if they have been identified at the time of notice;
 - viii. A statement of the limits of the comment period and the right of each agency to comment on the application within a thirty (30) day time period, request a copy of the decision once made, and appeal a decision when allowed by law.
- 4) In granting shoreline permits or statements of exemption for development on properties within 500 feet of a site known to contain an historic, cultural or archaeological resource(s), the local government with jurisdiction may attach conditions to provide sufficient time and/or conditions for consultation with the DAHP, the CCT, and any affected Indian or First Nations tribes or bands, and to ensure that historic, cultural, and archaeological resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term arrangements. Provision for the protection and preservation of historic, cultural, and archaeological sites shall be incorporated to the maximum extent practicable. Permit or other requirements administered by the DAHP pursuant to RCW 27.44 and RCW 27.53 may apply in addition to the provisions of this SMP.
- d. Inadvertent Discovery
- 1) All shoreline permits shall contain provisions requiring that, whenever historic, cultural or archaeological sites or artifacts are discovered in the process of development in shoreline areas, work on that portion of the development site shall be stopped immediately, the site secured, and the find reported as soon as possible to the Administrator.
 - 2) Upon notification of such find, the developers and property owner shall notify the DAHP, the History and Archaeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected. Notification to agencies shall include the information specified for notification under the heading "Known or suspected historic, cultural, and archaeological sites" above.

- 3) Upon notification of such find, the Administrator shall conduct a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the parties listed above, the Administrator may require that an immediate evaluation be conducted or may allow stopped work to resume. The evaluation shall meet the minimum reporting standards of the DAHP and shall be conducted by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61, to determine the presence of significant historic, cultural, or archaeological resources. The fee for the services of the cultural resource management professional shall be paid by the landowner or responsible party. The applicant shall submit a minimum of five (5) copies of the evaluation and accompanying report to the Administrator for distribution to the applicable parties for review.
- 4) If an evaluation is required, the area of inadvertent discovery shall be stabilized, contained or otherwise protected until the evaluation is completed. The evaluation shall be distributed to the DAHP, the History and Archaeology Department of the CCT, and any Indian or First Nations tribes or bands known to be affected for a thirty (30) day review period or, in the case of inadvertent discovery of human remains, a thirty (30) day review period to determine the significance of the discovery. If the above listed agencies or governments have determined that the site is not significant, or if the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, stopped work may resume.
- 5) Upon receipt of a positive determination of a site's significance, the Administrator may invoke the provisions for known sites, above, for a Cultural Resource Management Plan.
- e. The requirements of this section shall not apply where an applicant has obtained an approved Archeological Excavation and Removal permit from the DAHP pursuant to WAC 25-48-060, provided that the applicant must adhere to the requirements of said approved permit.
2. Archaeological, Cultural, Educational, Historic and Scientific Uses - Designation specific requirements
 - a. Aquatic, Natural, Urban Conservancy, Shoreline Recreation Shoreline Residential, High Intensity
 - 1) Exempt, if low intensity use and provided no significant ecological impact to the area will result.

E. Boating Facilities

1. Boating Facilities - General Regulations (including ~~docks marinas, launches, moorage~~)
 - a. When establishing regulation of motorized vs. non-motorized uses, whether by Okanogan County or the Town of Twisp, hours and other limitations on boating use of waters in in and near Twisp ~~Okanogan County and the incorporated communities~~

~~therein~~, the regulations shall be based, in part, on protection of shoreline functions and values.

- b. Mitigation for any adverse development impacts of boating facilities shall be required. On-site mitigation shall be preferred; however, in cases in which meaningful on-site mitigation is not feasible, off-site mitigation may be allowed. In such instances, a mitigation management plan shall be required, and shall specify a suitable mitigation site. Adverse development impacts to adjacent properties shall not be allowed.
- c. New boating facilities shall be consistent with the applicable local comprehensive and recreation plans. When new sites are considered, sufficient evidence must be presented to show that existing public ~~and commercial marinas, docks, and~~ boat launches are inadequate and cannot be expanded to meet regional demand.
- d. For commercial and public boating facilities, the perimeter of parking and storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas, using primarily native, self-sustaining vegetation from the recommended list ([Shoreline](#) Appendix E). Landscaping along the waterward side shall also be required. The permit application submittal shall identify the size, location, and species of plants that will be used.
- e. Boating facilities shall be located where no or minimal shoreline stabilization will be necessary and where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other maintenance activities.
- f. When plastics and other non-biodegradable materials are used in boating facilities, precautions shall be taken to ensure their containment.
- g. Boating facility design shall minimize interference with geohydraulic processes and disruption of existing shore forms.
- h. Parking facilities serving a boating facility shall be located outside shoreline jurisdiction, or, if that is not feasible, shall be located landward of the Zone2 - Use Buffer (Table 8.1).
- i. Boating facilities, including ~~boat lifts, and~~ navigation aids shall be positioned so as not to be a hazard to navigation.
- j. Boating facilities shall provide public access in accordance with Section ~~8.02~~ [K16.15.075 K](#) Public Access.
- k. Boating facilities shall be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. Use of natural non-reflective materials is encouraged.
- l. The Town shall request technical assistance from agencies with jurisdiction and/or knowledge, including but not limited to the Washington departments of Ecology, of Fish and Wildlife, and of Health; and shall make available to those agencies the *Shoreline Inventory and Characterization* ([Shoreline](#) Appendix) and maps

developed as part of this master program. The Town shall consider the comments received from those agencies before making a decision on whether or not to approve the permit, and any conditions or modifications required.

- m. ~~Overwater structures shall only be placed on portions of the shorelines where the natural flows and velocities shall not be impeded by the structure and where the placement of the structure will not restrict the natural scour and depositional actions of the shoreline.~~
 - n. ~~New pier or dock construction, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the local government and consistent with these guidelines, it may serve as a necessary justification for pier design, size and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.~~
2. ~~Marina-Specific Regulations~~
- a. ~~Where allowed, marinas shall be permitted only as a conditional use.~~
 - b. ~~Public access, both physical and visual, shall be required as part of all marinas.~~
 - c. ~~Marinas shall be constructed in accordance with the provisions all applicable current state and local regulations.~~
 - d. ~~Marinas or expanded constructed after the effective date of these regulations that provide moorage space for watercraft shall provide sewage pump-out facilities.~~
 - e. ~~Marinas shall be sited, designed, and built to minimize conflicts with agriculture.~~
 - f. ~~Marinas shall be designed to not interfere with existing navigational routes on the river.~~
3. ~~Marinas—Designation Specific Requirements~~
- a. ~~Aquatic~~
 - 1) ~~Marinas are allowed or prohibited based on the regulation for the adjoining upland shoreline designation.~~
 - b. ~~Natural~~
 - 1) ~~Prohibited.~~
 - c. ~~Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity~~
 - 1) ~~Conditional Use Permit.~~
4. ~~Docks and Moorage—Specific Regulations~~

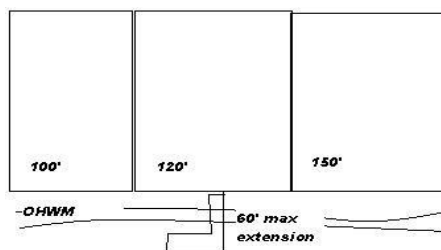
~~The regulations that follow are applicable to all docks, shared moorage facilities, and other overwater boating facilities, and the word "dock" shall apply to all such facilities.~~

~~a. The Administrator shall require and use the following information in his or her review of proposals for docks:~~

- ~~1) Description of the proposed structure, including its size, location, design, materials, and any shoreline stabilization or other modifications required by the project.~~
- ~~2) Proposed location of the dock relative to property lines and the ordinary high water mark.~~
- ~~3) Orientation of the dock relative to neighboring docks.~~
- ~~4) Anticipated impacts on views and on access to existing docks, and other reasonably foreseeable impacts on adjacent properties.~~
- ~~5) Any provisions for public access, enjoyment and use of the water and shorelines.~~

~~b. Docks shall not significantly interfere with the use of navigable waters or with public use of shorelines. The length of any dock shall be the minimum necessary to assure navigability and protect public use of the water body. On "T" or "L" shaped docks, the length of the extension or extensions perpendicular to the mainbody of the dock shall not exceed 50% of the length of the lot property line at the OHWM, or the upland property line adjacent to the lake, as shown in Figure 8.02 a, below. Docks may be prohibited where necessary to protect navigation or public use of the water body. Docks not attached to the shoreline may be allowed where the dock serves a water-dependent or water-oriented use and measures have been taken to reduce the hazard to navigation.~~

~~Figure 8.02 a) Dock Extension~~



~~c. All docks shall be constructed and maintained in a safe condition. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Abandoned or unsafe docks shall be removed or repaired promptly by the adjoining upland property owner. Where any such structure constitutes a hazard to the public, the local government with jurisdiction may, following notice to the owner, abate the structure if the owner fails to do so within 90 days. Said government may impose a lien on the associated shoreline property in an amount equal to the cost of the abatement.~~

~~d. No over-water application of preservative treatment or other chemical compounds shall be permitted. Docks may be painted provided brush application is used and best~~

~~management practices are followed to prevent paint from coming in contact with the water.~~

- ~~e. Any person or succession of different persons residing on the vessel in a specific location, and/or in the same area on more than a total of thirty days in any forty-day period or on more than a total of ninety days in any three hundred sixty-five-day period results in a "Residential Use" Status and is prohibited. "In the same area" means within a radius of one mile of any location where the same vessel previously moored or anchored on state-owned aquatic lands. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered used as a recreational or transient vessel.~~
- ~~f. Bulk storage for gasoline, oil, and other petroleum products is prohibited on docks.~~
- ~~g. All docks shall be designed and constructed in compliance with the following standards:~~
 - ~~1) Pilings must be structurally sound prior to placement in the water.~~
 - ~~2) Piles, floats, or other materials in direct contact with the water must be approved by applicable state agencies, including the Washington Department of Fish and Wildlife and, in the case of navigable waters, the Washington Department of Natural Resources.~~
 - ~~3) Floating docks shall include stops to keep the floats off the bottom of the water body at low water level.~~
 - ~~4) Overhead wiring or plumbing is not permitted on docks.~~
 - ~~5) Lighting shall be the minimum necessary to locate the dock at night and shall focus downward to minimize glare. Any dock extending more than fifty feet (50') beyond the OHWM shall have white lights marking the outer dimensions. In all cases, solar-powered lights shall be preferred.~~
 - ~~6) Docks with feet or plates that rest on the lakebed or streambed are preferred over those requiring excavation and footings.~~
 - ~~7) Dock design, placement, and orientation shall allow for access to existing docks in the vicinity and shall minimize impacts on adjacent properties, including impacts on views.~~
- ~~h. All residential moorage facilities shall be subject to number, size, and setback standards as follows:~~

~~**1) Number:**~~

~~All new residential developments (including subdivisions if moorage facilities are to be proposed) serving more than two dwelling units that intend to provide moorage facilities must create shared moorage facilities rather than individual docks. Such development, including new residential subdivisions or planned developments shall be required to indicate the location of shoreline access to proposed moorage facilities at the time of plat or subdivision.~~

~~All multi-family residences proposing to provide moorage facilities shall be limited to a single shared moorage facility, provided that the Administrator may authorize more than one shared moorage facility if, based on conditions specific to the site, a single facility~~

~~would be inappropriate for reasons of safety, security, or impact to the shoreline environment; and if the additional facility or facilities will have no net impact on shoreline ecological resources.~~

~~For existing residential lots, no more than one dock shall be permitted for each shoreline lot.~~

~~2) Size:~~

~~The length of any dock shall be the minimum necessary to accomplish moorage for the intended boating use and shall be only long enough to accommodate slips for one boat for each residence served plus one slip for transient moorage.~~

~~A dock serving a single family use over 200 square feet or 25 feet in length is allowed only as a conditional use in all shoreline designations.~~

~~—To decrease impacts on navigation, docks extending farther than 1/3 the width of the river, measured perpendicular to the shoreline where dock is to be installed, shall not be allowed.~~

~~3) Side yard setbacks:~~

~~Docks shall be set back a minimum of five feet (5') from side property lines, except that shared moorage facilities may be located adjacent to or upon a side property line when mutually agreed to by a legal instrument such as a contract, covenant or easement with the owners of all properties with access privilege. A copy of the contract, covenant or easement must be recorded with the Okanogan County Auditor and filed with the application for permit or shoreline exemption.~~

~~ii. All shared moorage facilities shall be subject to the following standards:~~

- ~~a) Shared moorage facilities shall include no more than one moorage space per dwelling unit or lot and one transient slip.~~
- ~~b) The size of the moorage facility shall be the minimum necessary to accomplish moorage for one boat for each residence served plus one transient slip, and the moorage facility shall be configured to cause minimal disturbance to shoreline resources.~~
- ~~c) Any requirement for shared moorage shall be documented with a restriction on the face of the plat. Restrictive covenants prohibiting individual docks and requiring shared moorage, and providing that the covenants shall not be altered without the approval of the Administrator, shall be recorded with the Okanogan County Auditor.~~
- ~~(d) If shared moorage is provided, the applicant shall file a legally enforceable joint use agreement or other legal instrument at the time the permit application for the mooring facility is submitted. Said instrument shall, at minimum, address the following:~~

~~Provisions for maintenance and operation;~~

~~Easements or tracts for community access; and~~

~~Provisions for joint or community use for all benefiting parties.~~

~~(e) Any site for shared moorage shall be owned in undivided interest by property owners or managed by the homeowners' association as a common easement within the residential development. Shared moorage facilities shall be available to property owners in the residential development for community access.~~

~~5. Piers and Docks—Designation Specific Requirements:~~

~~a. Aquatic~~

~~1) Piers and docks are allowed or prohibited based on the regulation for the adjoining upland shoreline designation.~~

~~b. Natural~~

~~1) Piers and docks for motor craft are prohibited.~~

~~2) Piers and docks for non-motorized craft require Conditional Use Permit.~~

~~c. Shoreline Recreation, Urban Conservancy, High Intensity and Shoreline Residential~~

~~1) Piers and docks shall be allowed subject to a Substantial Development Permit.~~

~~6. Moorage—Designation Specific Requirements:~~

~~a. Aquatic~~

~~1) Moorage facilities are allowed or prohibited based on the regulation for the adjoining upland shoreline designation.~~

~~b. Natural, Urban Conservancy and Shoreline Residential~~

~~1) Moorage facilities for motor craft are prohibited.~~

~~c. High Intensity and Shoreline Recreation~~

~~1) Moorage facilities shall be allowed subject to a shoreline Conditional Use Permit.~~

~~7. Float Specific regulations:~~

~~a. No more than one float shall be permitted for each shoreline lot.~~

~~b. Floats shall not significantly interfere with the use of navigable waters or with public use of shorelines. No portion of the float shall be placed more than eighty feet (80') from the OHWM or the point at which the depth of the water exceeds seven feet (7') during high water. Floats may be prohibited where necessary to protect navigation or public use of the water body.~~

~~c. No float shall have more than one hundred (100') square feet of surface area.~~

~~d. All multi-family residences proposing to provide floats shall be limited to a single shared float, provided that the Administrator may authorize more than one shared float if, based on conditions specific to the site, a single float would be inappropriate for reasons of safety, security, or impact to the shoreline environment; and if the additional float or floats will have no net impact on shoreline ecological resources.~~

~~8. Floats—Designation Specific Requirements:~~

- ~~a. Aquatic
 - ~~1) Floats are allowed or prohibited based on the regulation for the adjoining upland shoreline designation.~~~~
- ~~b. Urban Conservancy, Natural and High Intensity
 - ~~1) Conditional Use Permit.~~~~
- ~~c. Shoreline Recreation and Shoreline Residential
 - ~~1) Substantial Development Permit.~~~~
- ~~9. Covered Moorage (e.g., overhead boat & jet ski canopies) Designation Specific Requirements
 - ~~a. Aquatic, Natural, Urban Conservancy, Shoreline Residential, Shoreline Recreation, and High Intensity
 - ~~1) Prohibited~~~~~~
- ~~10. Boat Lifts Designation Specific Requirements
 - ~~a. Aquatic
 - ~~1) Allowed or prohibited based on the regulation for the adjoining upland shoreline designation.~~~~
 - ~~b. Natural
 - ~~1) Prohibited~~~~
 - ~~c. Shoreline Recreation, Urban Conservancy, Shoreline Residential, and High Intensity:
 - ~~1) Substantial Development Permit.~~~~~~
- 11. Commercial and Public Boat Launch Ramps – Designation Specific Requirements
 - a. Aquatic
 - 1) Allowed or prohibited based on the regulation for the adjoining upland shoreline designation.
 - b. Natural
 - 1) All launch ramps prohibited.
 - c. High Intensity, Shoreline Recreation
 - 1) Commercial and Public: Substantial Development Permit.
 - d. Urban Conservancy, Shoreline Residential
 - 1) Commercial: Prohibited.
 - 2) Public: Substantial Development Permit in Urban Conservancy, Conditional Use Permit in Shoreline Residential.

12. Individual Private Boat Launch Ramps – Designation Specific Requirements

- a. Aquatic, Natural, Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity

- 1) Prohibited.

F. Commercial Uses and Activities

1. Commercial Uses and Activities - General Regulations

- a. Commercial developments permitted in shoreline areas are, in descending order of preference:
 - 1) Water-dependent uses;
 - 2) Water-related uses;
 - 3) Water-enjoyment uses; and
 - 4) Non-water-oriented
- b. The Administrator shall require and use the following information in his or her review of commercial development proposals:
 - 1) Consistency with local comprehensive plan and zoning;
 - 2) Specific nature of the commercial activity;
 - 3) Need for shoreline frontage; determination if use qualifies as water-dependent, water-related or water-enjoyment;
 - 4) Provisions for public visual and/or physical access to the shoreline;
 - 5) Provisions to ensure that the development will not result in loss of shoreline functions including conditions for ecological restoration;
 - 6) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
 - 7) The *Shoreline Inventory and Characterization* ([Shoreline](#) Appendix A) and accompanying maps.
- c. Nonwater-oriented commercial uses are prohibited in all shoreline designations unless they meet the following criteria:
 - 1) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - 2) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
 - 3) In areas designated or zoned for commercial use, nonwater- oriented commercial development may be allowed if the site is physically separated from the shoreline

by another property, flood control structure or publicright of way.

- 4) Non-water dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.
 - 5) The use serves a function supportive of water-oriented or water-dependent uses or is otherwise consistent with approved community planning.
- d. Commercial development shall be designed and maintained in a neat, orderly, and environmentally-compatible manner, consistent with the character and features of the surrounding area. To that end, the Administrator may, following a public hearing, adjust the project dimensions and alter required setbacks established in Table 8.1 and/or prescribe screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
- 1) All commercial loading and service areas shall be located on the upland (landward) side of the commercial structure to the maximum extent practical or provisions shall be made to separate and screen the loading and service areas from the shoreline.
 - 2) Commercial developments where landscaping is proposed shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants from the recommended list ([Shoreline](#) Appendix E) are preferred. The permit application submittal shall identify the size, location, and species of plants that will be used.
- e. Commercial development on private and public lands shall be required to consider incorporating public access and ecological restoration as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, where commercial use is proposed for location on land in public ownership, public access shall be required. Refer to Section ~~8.02~~[16.15.075](#) K and WAC 173- 26-221(4) for public access provisions. Any intended public access facilities must be platted, or incorporated into a binding site plan, improved, and maintained and in compliance with local comprehensive planning and shoreline recreational access planning.
- 2 Commercial Uses and Activities - Designation Specific Requirements:
- a. Aquatic
 - 1) Commercial development shall be limited to water-dependent uses that require an over-the-water location and are allowed in the landward shoreline designation.
 - 2) Conditional use permit.
 - b. Natural, Urban Conservancy
 - 1) Prohibited.
 - c. Shoreline Recreation, Shoreline Residential and High Intensity

- 1) Commercial development is allowed with a substantial development permit provided such development is consistent with local zoning regulations or directly related to an existing conforming or permitted agricultural, recreational or residential use and be subject to the development standards set forth in Table [16.15.070](#) 1 as follows:
 - i. Commercial development shall be water-oriented, except as allowed in ~~8.02~~[16.15.075](#) F.
 - ii. Commercial development shall be consistent with local comprehensive plan provisions and zoning regulations.

G. Industrial Uses and Activities

1. Industrial Uses and Activities - General Regulations

- a. Industrial developments permitted in shoreline areas are, in descending order of preference:
 - 1) Water-dependent uses;
 - 2) Water-related uses;
 - 3) Water-enjoyment uses; and
 - 4) Non-water-oriented uses
- b. New nonwater-oriented industrial development shall be prohibited in all shoreline designations except when:
 - 1) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - 2) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
 - 3) In areas designated or zoned for industrial use, nonwater-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property or public right of way.
- c. The Administrator shall require and use the following information in his or her review of industrial development proposals:
 - 1) Consistency with local comprehensive plans and zoning;
 - 2) Specific nature of the industrial activity;
 - 3) Need for shoreline frontage;
 - 4) Provisions for public visual and/or physical access to the shoreline;
 - 5) Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;

- 6) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
 - 7) The *Shoreline Inventory and Characterization* ([Shoreline](#) Appendix A) and accompanying maps.
- d. Industrial development shall consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC [173-26-221](#)(4).
 - e. Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.
 - f. Where industrial development is allowed, it shall be located, designed, or constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.
 - g. Industrial development shall be designed and maintained in a neat, orderly, and environmentally-compatible manner, consistent with the character and features of the surrounding area. To that end, the Administrator may, following a public hearing, adjust the project dimensions and increase required setbacks established in Table [8-16.15.070](#).1 and/or prescribe reasonable use-intensity and screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
 - h. New over-water construction for industrial uses is prohibited unless it can be shown to be essential to a water-dependent industrial use.
 - i. All loading and service areas shall be located on the upland (landward) side of the industrial facility or provisions shall be made to separate and screen the loading and service areas from the shoreline, unless such provisions are infeasible due to the specific nature of the water-dependent industrial use or the proposed circulation poses a safety hazard to existing traffic patterns.
 - j. Industrial development on private and public lands shall be required to consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC [173-26-241](#)(3)(f). Any intended public access facilities must be platted, or incorporated into a binding site plan, improved, and maintained and in compliance with local comprehensive planning and shoreline recreational access planning.
 - k. Industrial developments shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants from the recommended list ([Shoreline](#) Appendix E) are preferred. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used.
 - l. Drainage and surface runoff from industrial developments shall be controlled so that

pollutants will not be carried into water bodies.

2. Industrial Uses - Designation Specific Requirements:

a. Aquatic

- 1) Industrial development shall be limited to water-dependent uses that require an over-the-water location and are allowed in the landward shoreline designation.
- 2) All such uses shall require a conditional use permit and be subject to the development standards set forth in Table [8-16.15.070](#) 1.

b. Natural, Shoreline Recreation, Urban Conservancy, Shoreline Residential

- 1) New industrial development shall be prohibited.
- 2) Expansion of pre-existing water-dependent industrial uses in these zones shall only be permitted through a conditional use permit.
- 3) Expansion of pre-existing industrial uses shall not alter the visual character of the zone and be subject to mitigations measures that will enhance the natural character of the shoreline.

c. High Intensity

- 1) Water-oriented industrial development is allowed with a substantial development permit provided such development is conforming to the underlying land use zone or associated with a permitted agricultural or industrial use and be subject to the development standards set forth in Table [8-16.15.070](#) 1.
- 2) Industrial development shall be water-dependent, water-related or water-oriented or be physically separated from the shoreline by another property under separate ownership, a flood control structure, or public right of way.
- 3) In no case shall non-water dependent new industrial development warrant to construction of flood protection structures or shoreline stabilization.

H. Mining Uses and Activities

1. Mining Uses and Activities - General Regulations

- a. Mineral prospecting and placer mining are allowed subject to compliance with the current edition of the Washington State Department of Fish and Wildlife's Gold and Fish pamphlet, all other prospecting and placer mining activities at different times or locations, or with different equipment than allowed in WDFW Gold and Fish shall ~~require a Conditional Use Permit~~ be prohibited. ~~This provision does not apply to mining that meets the definition of a substantial development (See Chapter 2—Definitions).~~
- ~~b. All surface mining shall be conducted in strict conformance with the Washington State Surface Mining Reclamation Act, Chapter 78.44 RCW. Surface mining permits shall be coordinated with state and federal permits.~~
- ~~c. Mining not meeting the definition of mineral prospecting or placer mining shall~~

~~require a conditional use permit.~~

- ~~d. In all shoreline designations, mining shall only be allowed by Conditional Use Permit and only when the proposed mine site has been identified as a mineral land of long-term commercial significance.~~
- ~~e. Mining waterward of the ordinary high water mark:~~
 - ~~1) Mining waterward of the ordinary high water mark of a river shall not be permitted unless:~~
 - ~~i. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and~~
 - ~~ii. The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.~~
 - ~~2) The determinations required by Section 8.02 H.1. a., above, shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a) and shall be integrated with required SEPA review.~~
 - ~~3) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, local government shall require compliance with the provisions of 8.02.H.1.f and 8.02 H.1. g. to the extent that no such review has previously been conducted. Where there has been prior review, local government shall review previous determinations comparable to the requirements of this section to assure compliance with the provisions of Section 8.02 H.1. g. and 8.02 H.1 g.~~
 - ~~4) The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231 (3)(f).~~
- ~~f. The Administrator shall require and use the following information in his or her review of mining proposals (except mineral prospecting and placer mining):~~
 - ~~1) Materials to be mined;~~
 - ~~2) Need for those materials;~~
 - ~~3) Need for shoreline location;~~
 - ~~4) Quantity of materials to be mined, by type;~~
 - ~~5) Quality of materials to be mined, by type. For certain minerals, an evaluation by a geologist licensed under the provisions of RCW 18.220 may be required;~~
 - ~~6) Mining technique and equipment to be used;~~
 - ~~7) Depth of overburden and proposed depth of mining;~~
 - ~~8) Lateral extent and depth of total mineral deposit;~~

- ~~9) Cross-section diagrams indicating present and proposed elevations and/or extraction levels;~~
 - ~~10) Existing drainage patterns, seasonal or continuous, and proposed alterations thereof including transport and deposition of sediment and channel changes that may result;~~
 - ~~11) Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation including impacts to banks on both sides of the excavation;~~
 - ~~12) The location and sensitivity of any affected critical areas;~~
 - ~~13) Subsurface water resources and aquifer recharge areas, including origin, depth, and extent;~~
 - ~~14) Quality analysis of overburden, excavation materials, and tailings, with plans for storage, use, or disposition;~~
 - ~~15) Mining plan and scheduling, including seasonal, phasing, and daily operation schedules;~~
 - ~~16) Reclamation plan that meets the requirements of this master program and Chapter 78.44 RCW (for surface mining operations only);~~
 - ~~17) Screening, earthen berm buffering, and/or fencing plans; and~~
 - ~~18) Impacts to aquatic and shoreline habitat.~~
- ~~g. Mining operations (except mineral prospecting and placer mining) shall be sited, designed, conducted, and completed (including reclamation) to ensure no net loss of shoreline ecological functions, including watershed-scale functions and cumulative impacts. A reclamation plan prepared by a qualified professional and providing for restoration of slope stability, water conditions, safety conditions, and, where relevant, vegetative cover shall be required for any new mining and associated activities. Meeting the "no net loss" standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation, and shall be based on an evaluation of the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species. The proposed subsequent use of mined property must be consistent with the provisions of the shoreline designation in which the property is located. Performance security requirements are as follows:~~
- ~~1) Surface mining operations must comply with the relevant performance security requirements of RCW 78.44.~~
 - ~~2) A public or governmental agency shall not be required to post performance security.~~
 - ~~3) All other approved mining operations shall be required to post performance security in an amount adequate to complete reclamation, based on an approved reclamation plan.~~

- ~~h. Mining operations shall comply with all local, state, and federal water quality standards and pollution control laws. Operations shall use effective techniques to prevent or minimize surface water runoff, erosion and sedimentation; prevent reduction of natural flows; protect all shoreline areas from acidic or toxic materials; and maintain the natural drainage courses of all streams. Surface water runoff shall be impounded as necessary to prevent accelerated runoff and erosion.~~
- ~~i. Overburden, mining debris, and tailings shall not be placed in waterbodies or floodways and shall be stored and protected so as to prevent or minimize erosion or seepage to surface and ground waters.~~
- ~~j. Precautions shall be taken to ensure that stagnant or standing water especially that of a toxic or noxious nature does not develop.~~
- ~~k. In no case shall mining operations impair lateral support and thereby result in earth movements extending beyond the boundaries of the site.~~
- ~~l. If substantial evidence indicates that mining operations are causing, or continued operation would cause, significant and adverse impacts to water quality, habitat, or any shoreline ecological function, the Administrator shall terminate the shoreline permit for mining or impose further conditions on the mining operation to ensure no net loss of shoreline ecological functions.~~

~~2. Mining Designation Specific Requirements:~~

~~a. Aquatic~~

- ~~1) Mining shall be allowed or prohibited based on the regulation for the adjoining shoreline designation landward of the OHWM.~~
- ~~2) Mineral prospecting and placer mining are allowed subject to the provisions of Section 8.02 H. 1. a.~~

~~b. Natural, Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity~~

- ~~1) Mining is prohibited, unless the subject property has been designated as mineral lands of long term commercial significance which shall require a conditional use permit.~~
- ~~2) Mineral prospecting and placer mining are allowed subject to the provisions of this section, above.~~

I. Municipal (includes all local governments)

Municipal uses are those in support of local government functions and services (e.g. public schools, city hall, maintenance facilities, hospitals, etc.). For the purposes of this SMP, recreational uses and utility facilities are excluded and shall comply with applicable sections.

1. Municipal - General Regulations

- a. Non-water-oriented municipal uses will be permitted in shoreline areas only when no other feasible location is available, and only in compliance with bulk and dimensional

standards established in Table [816.15.070](#) 1 and shall be in compliance with the clearing and grading ordinance section.

- b. The Administrator shall require and use the following information in his or her review of municipal use proposals:
 - 1) Specific nature of the proposed activity;
 - 2) Need for shoreline location; including minimizing portion of use within shoreline jurisdictions.
 - 3) Other locations considered and the reasons for choosing a shoreline site;
 - 4) Provisions for public visual and/or physical access to the shoreline;
 - 5) Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;
 - 6) Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
 - 7) The *Shoreline Inventory and Characterization* ([Shoreline](#) Appendix) and maps developed as part of this SMP.
 - c. Municipal uses shall not be allowed in wetlands, or shoreline riparian vegetation conservation areas (Zone 1 & 2) or their buffers without following mitigation sequencing, complying with other parts of the SMP and [Chapter 18.60 TMC Appendix C](#). All loading and service areas shall be located on the upland (landward) side of the principal structure or provisions shall be made to separate and screen the loading and service areas from the shoreline.
 - d. Municipal uses shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants from the recommended list are preferred. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall include a landscape plan identifying the size, location, and species of plants that will be used.
 - e. Drainage and surface runoff from municipal uses shall be controlled so that pollutants will not be carried into water bodies complying with the Eastern Washington Stormwater Manual.
 - f. Public access facilities must be provided, dedicated, improved, and maintained as part of any shoreline municipal use.
2. Municipal - Designation Specific Requirements:
- a. Aquatic
 - 1) Municipal uses shall be allowed or prohibited based on the regulation for the adjoining shoreline designation landward of the OHWM..
 - b. Natural

- 1) Municipal Uses are prohibited, except low intensity recreational uses and restoration activities.
- c. Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity
 - 1) Non-water oriented uses and activities require a conditional use permit.
 - 2) Water-oriented uses require a substantial development permit.

J. Parking

1. Parking - General Regulations

- a. Any new and expanded parking area in a shoreline area shall directly serve an existing (legal at the time of adoption of this SMP) shoreline use and shall not be located on the waterward side of the permitted use.
- b. All parking shall be prohibited over water.
- c. Parking facilities shall prevent surface water runoff from contaminating water bodies, using the best available technology and best management practices, including complying with applicable Eastern Washington Storm Water Manual, and a maintenance program to assure proper functioning overtime of any stormwater facilities required to comply with this regulation.
- d. New commercial and industrial parking facilities, necessary to support an authorized use, in shoreline areas shall be sited in compliance with bulk and dimensional standards and comply with Clearing and Grading Standards of Table [816.15.080](#) 3 and designed to minimize visual, pedestrian, and other transportation network impacts as well as to minimize environmental impact on shoreline resources.
- e. Commercial parking facilities shall be adequately screened and landscaped along the waterward side with plants from the recommended list ([Shoreline](#) Appendix E). Where a flood levee exists, it shall be considered screening.
- f. Parking facilities that will serve more than one use, such as recreational use on weekends and commercial use on weekdays shall be allowed and preferred to single use parking facilities.

2. Parking - Designation Specific Regulations

- a. Aquatic, Natural
 - 1) All parking - prohibited.
- b. Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity
 - 1) Parking as a primary use - prohibited
 - 2) Parking appurtenant to a permitted use - allowed

K. Public Access

1. Public Access - General Regulations

- a. For the purpose of this SMP, the Town of Twisp Comprehensive Plan shall be considered the official public access plan. Additional recreation plans approved by Town Council may be used to supplement public access provisions of the Comprehensive Plan for this SMP ~~and are included as Appendix F.~~
- b. Development, uses, and activities shall be designed and operated to avoid unnecessarily impairing or detracting from the public's physical or visual access to the water and shorelines.
- c. Public access sites shall be dedicated to a public or non-profit entity unless a formal homeowners association or other legal entity exists or will be established to ensure the long term viability of the access.
- d. The Signage regulations in Section ~~8-02~~16.15.075 O Signage of this chapter and the Shoreline Development Standards in Table ~~8-16.15.070~~1 have been established in part to prevent impairment of or detracting from visual public access.
- e. Provisions for public or community access to the shoreline shall be incorporated into the shoreline development proposal for any action requiring such access unless the applicant demonstrates that such access is infeasible because at least one of the following provisions applies:
 - 1) Unavoidable health or safety hazards to the public exist which cannot be prevented by any practicable means;
 - 2) Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - 3) Unacceptable environmental harm will result from the public access which cannot be mitigated;
 - 4) Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated;
 - 5) In determining that public access (physical or/and visual) is infeasible the director and applicant shall ensure that all reasonable alternatives have been evaluated, including but not limited to:
 - i. Regulating access by such means as limiting hours of use to daylight hours;
 - ii. Designing separation of uses and activities, i.e., fences, terracing, hedges, landscaping, signage, etc;
 - iii. Provision of an access at a site physically separated from the proposal such as a nearby street end, providing off-site public access improvements such as building a view point or establishment or providing improvements to a trail system.
- f. Dedication and improvement of physical public access shall be required as part of all shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts, with the following exceptions:
 - 1) Where an approved public access plan developed as part of are regulatory

licensing process is submitted. Said public access plan must provide adequate public access to the shoreline, based on a needs analysis. Said public access facilities shall be developed, improved, and maintained as part of an approved Shoreline Recreational Plan and installed in a timely manner in coordination with the approved shoreline development.

- 2) Where more effective public access to the shoreline can be achieved through implementation of the adopted recreation plan of the local government with jurisdiction, the public entity or private individual proposing the development may contribute proportionally to implementation of the recreation plan in lieu of providing public access on site unless onsite improvements are part of the public access plan.
 - 3) Where the community makes a finding that no additional public access is required consistent with local comprehensive plans, subject to approval by CUP.
- g. Dedication and improvement of public physical access shall be required in all shoreline areas as follows:
- 1) As part of all marina development;
 - 2) As part of boating facilities designed to serve the public or located on and adjoining on publicly owned uplands.
 - 3) As part of all new water-enjoyment, water-related and nonwater-dependent commercial and industrial development, while consistent with local comprehensive plans, provided the intended use does not pose a safety threat to the general public.
 - 4) As part of all primary utility development on public land. The requirement may be waived where an approved public access plan has been adopted as part of a regulatory licensing process. Said public access plan must provide adequate public access, based on a needs analysis.
 - 5) As part of all subdivisions of land into more than four parcels, while consistent with local comprehensive plans and recreational public access plans.
 - 6) As part of new structural public flood hazard reduction measures, such as dikes and levees.
 - 7) As part of publicly financed or subsidized shoreline erosion control measures, where feasible, incorporate ecological restoration and public access improvements into the project, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. These shoreline erosion measures shall not restrict existing public access to the shoreline.
- h. Adjoining short plats totaling more than four parcels and submitted within 5 years of each other by the same applicant shall be subject to public access dedications.
- i. The scope and scale of public access shall be commensurate with the scale of the proposed land use action and the need for public physical and visual access

opportunities in the vicinity of the proposed action. Multi-family and multi-lot residential and recreational developments shall provide public access and joint use for community recreational facilities.

- j. In all cases, the minimum width of shoreline public access easements shall be ten feet (10'), unless the Administrator determines that undue hardship would result. In such cases, easement or right-of-way widths may be reduced only to the extent necessary to relieve the demonstrated hardship.
- k. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- l. Rights of navigation shall be protected in conformance with the provisions of this Master Program.
- m. Public access sites and facilities shall be designed, constructed, operated, and maintained to result in no net loss of shoreline ecological functions.
- n. Public access sites shall be connected directly to the best-suited public street by way of a right of way or easement dedicated, improved, and maintained for public use. This requirement may be modified if the cost would be disproportionate to the scale of the proposed land use action.
- o. Any vacation of right-of-way within the shoreline must comply with RCW 35.79.035, "Limitations on vacations of streets abutting bodies of water - Procedure." Vacation of existing public access established through deed or declarations may not be vacated with written approval of the Town Shoreline Administrator.
- p. Where feasible, and in accordance with the Americans with Disabilities Act (ADA), public access sites shall be made barrier-free for people with disabilities.
- q. Required public access sites shall be developed and available for public use at the time of occupancy of the use or activity; or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
- r. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- s. Public access easements shall be recorded on the deed of title and/or on the face of the plat or short plat as conditions running in perpetuity. Said recording with the Okanogan County Auditor's Office shall occur at the time of permit approval. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- t. The standard State-approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites.
- u. View Corridor Provisions.

- 1) View corridors shall comply with provisions for vegetation management and buffer requirements for the shoreline designation for the project site. View Corridors shall be allowed to the percentage listed in table ~~8-16.15.070~~ 1, but in no case shall a single view corridor be greater than 30' in width per 100 linear feet of shoreline.
- 2) View corridors may be allowed, subject to the provisions of this section, to provide the general public and property owners with opportunities for visual access to water bodies associated with shoreline lots.
- 3) Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited.
- 4) Prior to removing vegetation for a view corridor, the owner of the shoreline parcel on which vegetation alterations are proposed must submit:
 - i. A signed application;
 - ii. A scaled graphic which demonstrates the areal extent of the view corridor (width and depth), showing existing vegetation and proposed alterations; and
 - iii. A graphic and/or site photos for the entire shoreline frontage, which demonstrates that the building site and proposed or existing structure does not, or will not when constructed, have a view of the water body, taking into account site topography and the location of shoreline vegetation on the parcel.
- 5) In creating a view corridor, removal of vegetation shall be limited to the minimum necessary to preserve or enhance views. In no case shall the view corridor exceed the provisions found in Table ~~8-16.15.070~~ 1.
 - i. The following standards apply:
 - (a) View corridors are not allowed in the Natural and Urban Conservancy designations unless associated with an existing use.
 - (b) Pruning of native trees shall not exceed 30% of a tree's limbs. Topping of native trees is prohibited.
 - (c) Shrubs shall not be pruned to a height of less than six feet (6').
 - (d) Removal or pruning of vegetation waterward of the ordinary high-water mark is prohibited.
 - (e) Once a view corridor or other shoreline access corridor has been established, no additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from the re-growth of pruned limbs.
 - (f) On any site on which a buffer has been reduced or modified, a view corridor will be allowed only when a critical areas report (described in ~~Appendix C-18.60.090~~) can clearly establish that fragmentation of fish and

wildlife habitat will not occur, and that there will be no net loss of shoreline ecological functions.

ii. The following exceptions apply:

- (a) Plants that represent a hazard to safety, security, or shoreline ecological functions may be replaced with plants from the recommended list ([Shoreline Appendix E](#)), provided a mitigation plan is submitted and approved. The mitigation plan must meet the standards of the Town of Twisp for a mitigation plan for Critical Fish and Wildlife Habitat.
 - (b) Non-native or invasive species may be replaced with plants from the recommended list ([Shoreline Appendix E](#)), provided a mitigation management plan is submitted and approved. The mitigation plan must meet the standards of the local government with jurisdiction for a mitigation plan for Critical Fish and Wildlife Habitat.
 - (c) All developments proposing a view corridor shall provide a mitigation plan that will need to be approved by the administrator. The mitigation plan must meet the standards of ~~the Appendix C~~ [18.60.090](#) with jurisdiction for a mitigation plan for Critical Fish and Wildlife Habitat.
- 6) Trimming and removal of trees to provide or enhance visual access shall be limited to the requirements found in this section, limitations found in Table ~~8.16.15.070~~ [1](#) as well as shoreline modification standards found in Section ~~8.03~~ [16.15.080](#).
- 7) Removal of diseased, damaged or stressed trees for the purpose of forest stewardship and conservation, property protection, or fire safety are subject to approval through a shoreline exemption.

L. Utilities

Utilities are transmission, collection, production, or treatment facilities that are generally regional or area wide in scope and provide the primary service to a large area and may or may not be connected directly to the uses along the shoreline. Utilities include primary transmission facilities related to a hydropower and communications, and distribution or collection systems for water, sewer mains, gas and oil pipelines, and wastewater and water treatment plants. On-site utility features serving a shoreline property, such as water, sewer or gas line connections to a residence, are "accessory utilities" and shall be considered a part of the primary use and are subject to the regulations contained in Section ~~8.02~~ [16.15.075](#) A Accessory Utilities.

1. Utilities - General Regulations

- a. Utility development shall be located within public rights-of-ways or existing infrastructure corridors whenever possible and be coordinated with government agencies to provide for compatible multiple uses.
- b. Utilities shall be located and designed to avoid damage or degradation to shoreline ecological function including wetlands, marshes, bogs and other swamps; important

wildlife areas; and other unique and fragile areas.

- c. Underwater pipelines which transport material intrinsically harmful to aquatic life or potentially injurious to water quality, including sewer lines, shall be provided with automatic shut off valves at each end of the underwater segments.
- d. Sites disturbed for utility installation shall be stabilized during and immediately following construction to avoid adverse impacts from erosion and shoreline ecological function, including protection of water quality using Best Management Practices.
- e. Sites disturbed for utility installation shall be replanted using native species from the recommended list ([Shoreline](#) Appendix E), with a diversity and type similar to or better than that which originally occurred on the site. Questions about appropriate diversity, plant type, and plant species shall be directed to agencies with expertise, such as the departments of Ecology and Fish and Wildlife.
- f. The placing of utility lines shall not obstruct or hinder physical or visual access to shoreline areas from public right-of-ways or public use areas. Utilities shall be placed landward of the primary structural setback requirements found in Table [816.15.070-1](#). Compliance with local health district standards for the placement of onsite sewer systems shall be indicated on pre-application drawings. If feasible, utility lines shall be placed underground. Where lines must be placed aboveground, consideration shall be given to the maintenance of trees in the vicinity of the lines, and the utility line located to eliminate the need for topping or pruning trees.
- g. Except where no other feasible alternative exists, utilities that require continued maintenance and therefore disrupt ecological processes (i.e. electrical transmission lines that require removal of undergrowth) shall not be placed in Vegetation Conservation areas (between OHWM and structure setback).

2. Utilities - Designation Specific Regulations

- a. Aquatic, Natural, Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity
 - 1) Conditional use permit.

M. Recreation

1. Recreation - General Regulations

- a. Shoreline recreational development is given priority and shall be primarily related to access to, enjoyment and use of the water and shorelines of the state.
- b. State-owned shorelines are particularly adapted to providing ecological study areas and other recreational uses for the public and shall be given special consideration when developing recreational uses in shoreline areas.
- c. The location, design and operation of shoreline recreational developments shall be primarily related to access, enjoyment and use of the water and shorelines of the state, consistent with the comprehensive plan and recreation plan of the local government

with jurisdiction. All such uses shall not result in a net loss of shoreline function.

- d. Commercial recreational development shall comply with the provisions for commercial development Section ~~8.02~~[16.15.075](#) F Commercial.
- e. Substantial accessory use facilities, such as rest rooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas shall be set back from the ordinary high-water mark as specified in the Development Standards Table (Table ~~8~~[16.15.070](#)-1), unless it can be shown that such facilities are water dependent and the planned location will not adversely affect shoreline functions. Such facilities maybe linked to the shoreline by walkways.
- f. Shoreline recreational developments shall maintain, and, when feasible, enhance or restore desirable shoreline features including those that contribute to shoreline ecological functions and processes, scenic vistas, and aesthetic values. Removal of healthy native vegetation to enhance views shall be allowed only in compliance under Section ~~8.02~~[16.15.075](#) K-~~1. u~~[5-7](#)).
- g. Recreational uses shall be designed to complement their environment and surrounding land and water uses.
- h. No recreational buildings or structures shall be built over water, other than water-dependent and/or public access structures such as piers, docks, bridges, boardwalks, or viewing platforms.
- i. Each development proposal shall include a landscape plan that uses native, or native compatible self-sustaining vegetation. Removal of on-site native vegetation shall be limited to the minimum necessary for the permitted development or structures.
- j. For recreational uses such as golf courses or parklands that require the use of fertilizers, pesticides, or other chemicals, the applicant shall specify the methods that will be used to ensure that the use complies with all provisions of this master program, including preventing the chemicals from entering adjacent water bodies or wetlands. Chemical-free buffer strips may be required at the discretion of the Administrator.
- k. Recreational uses shall provide facilities for non-motorized access to the shoreline, such as pedestrian and bicycle paths, where those facilities will not result in loss of shoreline ecological functions.
- l. Recreational uses shall include adequate provisions for water supply, sewage, garbage disposal, and fire protection.
- m. Recreational development shall include adequate provisions, such as screening, buffer strips, fences, and signs, to buffer adjacent private property and natural areas and protect the value and enjoyment of those sites.
- n. Trails and paths on steep slopes shall be located, designed, and maintained to protect bank stability.
- o. Recreational uses shall be consistent with local comprehensive plan provisions and zoning regulations and required buffers and use setbacks in ~~Section A. 16~~[16.15.070](#)

and critical area protection regulations in [Appendix C18.60 TMC](#).

- p. Non-motorized recreation trails (for example, a riverfront trail running parallel to the shoreline) shall be allowed in both Zone 1 and Zone 2 Buffers provided they are consistent with the local comprehensive plan and zoning regulations, including development and design standards. Non-motorized, non-impervious surface trails no greater than 4 feet in width to provide shoreline physical access to the water's edge may be allowed in the Zone 1 Vegetation Buffer through submittal of a vegetation planting plan, mitigation management plan and compliance with mitigation sequencing standards found in [Appendix C18.60.090 TMC](#).

2. Recreation - Designation Specific Requirements:

a. Aquatic, Natural

- 1) Recreation development shall be limited to water-dependent uses that require an over-the-water location and are allowed in the landward shoreline designation - Conditional Use Permit.

b. Urban Conservancy

- 1) High impact recreation development - Conditional Use Permit.
- 2) Low impact recreation development - Substantial Development Permit.

c. Shoreline Recreation, Shoreline Residential and High Intensity

- 1) Substantial Development Permit.

N. Residential Development

1. Residential Development - General Regulations

- a. No lot for residential use shall be created that would not accommodate a buildable area, based on the zoning district, comprehensive plan designation and critical areas regulations, that meets the minimum building setback and other standards for the shoreline designation in which the lot is located.
- b. No lots or plats will be approved that do not meet the minimum requirements of this SMP.
- c. Plats and subdivisions shall not rely upon new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
- d. In its review of proposals for multi-lot and or multi-unit subdivisions and/or planned developments and other large developments, the ~~city or town~~ with jurisdiction shall require and use information about the impacts of the proposed development on shoreline ecological functions, including the cumulative impacts of exempt uses and activities within the development over time, and ensure there will be no net loss of shoreline function.

- e. All single family and multi-unit residential developments shall comply with the buffer, setback, bulk and dimensional standards set forth in Table [816.15.070-1](#) of this SMP, and shall be authorized only after approval of a site development plan, indicating the total disturbance footprint as required by this section.
- 1) The disturbance footprint shall include:
 - i. all driveways and parking areas;
 - ii. wildfire defensible space;
 - iii. building footprint(s);
 - iv. water access pathway location and width, not to exceed 4 feet;
 - v. view access corridor, if any;
 - vi. location of storage and staging of materials and equipment during construction;
 - vii. location of well and septic systems, if applicable;
 - viii. Location of public access, joint use or community recreational facilities if applicable.
 - 2) The construction of home(s) (inside the buffer or utilizing a buffer reduction) shall require development of a shoreline pre-application review packet. The review of the assessment may require the applicant to prepare a mitigation management plan as specified in [Appendix C of this SMP 18.60 TMC](#).
 - 3) Individual or multi-family on-site wastewater treatment systems serving allowed uses in conformance with this SMP shall be subject to regulations administered by the Okanogan County Health District.
 - 4) Large On-site Sewage Systems (LOSS) shall be subject to regulations administered by the Washington State Departments of Ecology, or Department of Health as required by rule adopted under RCW 70.118B.020. Such sewage treatment systems shall be located to prevent or minimize entry of nutrients, including phosphorus and nitrogen, or other pollutants, into ground and surface water within jurisdiction of this SMP.
 - 5) All individual and community on-site wastewater treatment systems, also called sewage treatment systems, including septic tanks and drainfields or alternative systems approved and inspected by the Okanogan County Health District, the Washington State Department of Ecology, or Department of Health, shall be located landward of designated riparian and buffers within jurisdiction of this SMP.
 - 6) In instances where shoreline buffers designated in Table 8.1 of this SMP are less than 100 feet as measured on a horizontal plane, perpendicular to the shoreline, all sewage system components shall be located a minimum of 100 feet from the ordinary high-water mark (unless lot size/configuration is such that the applicant obtains an approval from the Okanogan County Health District to no less than 75ft

from the ordinary high-water mark). Where the lot size in combination with health district requirements would cause the development or use to need a variance from the standards established in table [8-16.15.070](#) 1, the applicant shall be required to connect to town water and sewer.

- 7) Location of the landward boundary of shoreline buffers as specified in Table [8-16.15.070](#) 1 shall be approved by county or Washington Department of Ecology staff, and marked with clearly visible means sufficient to prevent damage to any portion of the buffer and its topography, soils or vegetation.
- 8) Prior to any clearing, construction or other activity within the approved disturbance footprint, the landward boundary of buffers specified in Table [8-16.15.070](#) 1 shall be marked with permanent or temporary fencing approved by the county administrator, sufficient to prevent any incidental incursion into, or disturbance to the buffer, by equipment, vehicles, building materials or other means.
- 9) Whenever feasible while meeting Okanogan County Health District or Washington State Health Department standards, all components of on-site sewage treatment systems, including subsurface soil absorption systems, shall be located landward of the residential structures they serve.
- 10) Buildings constructed in areas of 20 percent or greater slope, or erode-prone areas, shall conform to the requirements for geologically hazardous areas of the Critical Areas Ordinance [Appendix C 18.60 TMC](#).
- 11) Except for minimal pathways no greater than 4 feet in width to afford access to allowed docks, boat access or swimming areas or to remove hazard trees as set forth applicable sections of this SMP native plant communities and species in buffers specified in Zone 1 Table [8-16.15.070](#) 1 shall not be disturbed for any reason.
- 12) New parcels/lots created through land division within jurisdiction of this SMP shall accomplish the following:
 - i. Plats and subdivisions as regulated elsewhere in this SMP must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.
 - ii. Plats and subdivisions as regulated elsewhere in this SMP must be designed, configured and developed in a manner that assures that no need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions. Such review shall require using geotechnical analysis of the site and shoreline characteristics when development is to occur in known or suspected geologically hazardous areas (E.g., Slopes-greater than 20%, Channel Migration Zones- See [Shoreline](#) Appendix G). New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the

structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down- current properties and shoreline areas shall not be allowed.

- iii. Plats and subdivisions as regulated elsewhere in this SMP must be designed and configured such that a buildable area is available on each lot in conformance with Comprehensive Plan as well as required shoreline and critical area buffer/setbacks, unless a specific, unbuildable lot is being created as a shoreline open space/conservancy lot and is so recorded

2 Residential Development - Designation Specific Regulations

a. Aquatic, Natural

- 1) Residential Development is prohibited.
- 2) Subdivisions - CUP

b. Urban Conservancy

- 1) Subdivisions (both short and long) shall be subject to a conditional use permit and require the division to be processed as a planned development under local zoning and platting regulations.
- 2) Residential development- CUP

c. Shoreline Recreation, Shoreline Residential and High Intensity

- 1) Exempt for Single Family Residences built for applicant's own use or for the use by his/her family.
- 2) All other residential development is subject to a Substantial Development Permit.

O. Signage

1. Signage - General Regulations

The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment; and to temporary and interpretive signs. Highway, public information, and temporary signs are addressed in the Use Chart.

- a. All signs shall comply with applicable regulations of the Town of Twisp and any other applicable regulations (e.g., Scenic Vistas Act).
- b. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Except as necessary for safe navigation, moorage, or public safety signs shall be located landward of the required building setback.
- c. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.
- d. No signs shall be placed on trees or other natural features.

- e. Off premises and non-appurtenant signs shall not be permitted, with the following exception: temporary signs and interpretive signs related to shoreline uses and ecological functions shall be allowed where they comply with the other policies of this SMP and, in the case of temporary signs, where adequate provisions are made for timely removal.
- f. No sign shall have a surface area larger than 32 square feet.
- g. Signs shall be lit by direct or indirect lighting only. Signs lit by internal sources are prohibited.

2. Signage - Designation Specific Regulations

a. Aquatic and Natural

- 1) All outdoor advertising, signs and billboards shall be prohibited.

b. Shoreline Residential and Urban Conservancy

- 1) All outdoor advertising, signs and billboards shall be prohibited except:
 - i. Those signs necessary to protect the health, safety, and welfare of the public.
 - ii. Those necessary to give direction or identify and/or interpret a natural or cultural feature.
 - iii. Permitted signs shall not exceed 6 square feet in surface area.
 - iv. Permitted signs shall not exceed 6 feet in height.
 - v. Outdoor lighting of signs in the Urban Conservancy designation shall be prohibited

c. Shoreline Recreation and High Intensity

- 1) Outdoor advertising, signs and billboards are allowed subject to a substantial development permit and shall not exceed 36 sq ft.
- 2) No sign shall exceed the highest point of the roofline.

P. Transportation

1. Transportation - General Regulations

Transportation development serving non-water dependent uses should avoid the shoreline area where possible to avert damage to shoreline ecological function. Transportation development serving water-oriented and water-related uses shall be considered as part of that use and subject to the following provisions:

- a. Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.
 - 1) New roads or road expansions should not be built within shoreline jurisdiction,

unless other options are unavailable and infeasible. Design of roadways through shoreline areas should occupy the least narrow horizontal profile possible to convey traffic in a safe manner measured from ditch to ditch or shoulder to shoulder (whichever is largest) to minimize the footprint of roadway.

- 2) Stormwater runoff from roadways should be contained using Best Management Practices
- 3) De-icing, salting, and graveling of roads should be conducted in accordance with Best Management Practices.
- 4) Surfacing materials should not input or erode sediment into waterways.
- b. Transportation and parking plans and projects shall be consistent with the master program public access policies, public access plan, and environmental protection provisions.
- c. Circulation system planning shall include integrated corridors for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.
- d. Transportation and circulation systems shall be included as part of a development or land use permit and be subject to lot coverage and clearing and grading standards set forth in Table [816.15.080-3](#).
2. Transportation - Designation Specific Regulations
 - a. Aquatic
 - 1) same as in the adjacent shoreline designation landward of the OHWM
 - b. Natural
 - 1) Conditional Use Permit
 - c. Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity
 - 1) Substantial Development Permit.

TABLE 16.15.075 2 SHORELINE USE & ACTIVITY TABLE

All uses and activities must comply with all applicable provisions of this Shoreline Master Program (SMP), including the General, Shoreline Modification, Use-Specific, and Shoreline Designation-Specific regulations in this Chapter. Uses and activities not listed in the Shoreline Use and Activity Chart may be allowed (with a shoreline exemption, substantial development permit, or conditional

use permit), subject to approval by the Administrator, if they comply with the standards in this section and with any regulations that apply to similar uses. All shoreline permits and exemptions are subject to conditions providing for maintenance, enhancement, and/or restoration of shoreline functions.

A = Allowed - requires exemption ²⁰; or, Substantial Development or Conditional Use Permit, depending on fair market value and/or intensity of use or activity, or designation-specific requirements

SDP = Shoreline Substantial Development Permit required.

CUP = Shoreline Conditional Use Permit required.

X = Prohibited use

S = Same as in adjacent shoreline designation landward of the OHWM (applicable to areas designated Aquatic only)

N/A = Not Applicable

(-) = Subject to limitations.

(+) = Subject to conditions.

(*) = Subject to exceptions.

(a) In the event that there is a conflict between the use(s) identified in Table 8.0216.15.075-2 and the policies or regulations in [the Comprehensive Plan, Chapter 18.60 TMC and this chapter Chapters 6, 7, or 8, the policies and regulations](#) shall apply.

(b) Aquatic: Water-dependent use only, subject to the use and development regulations of the abutting upland shoreline area designation.

20 - exempt uses and activities are defined by statute, see definitions in Chapter 2.

Table 16.15.075 2 Use and Activity Chart^(a)

Uses and Activities	Aquatic ^(b)	Natural	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High Intensity
<i>Agriculture (8.0216.15.075 B)</i>						
Grazing/Cultivation/Orchards	X	X	A	A	A	A

Agricultural Buildings	X	X	A	A	A	A
Feedlots (CAFOS/AFOS)	X	X	X	X	X	X
Conversion from non-agricultural land to agricultural use	X	X	SDP	CUP	SDP	CUP
<i>Archaeological Areas, Scientific, Educational and Historic Sites (8.02 C)</i>						
Archaeological Areas, Scientific, Educational and Historic Sites	A	A	A	A	A	A
<i>Aquaculture (8.0216.15.075 C)</i>						
Floating Net Pen type & Accessory structures	CUP	CUP	SDP	CUP	SDP	SDP
On shore, confined types of facilities & Accessory structures	CUP	CUP	SDP	CUP	SDP ²¹	SDP
<i>Boating Facilities (8.0216.15.070 E)</i>						
Marinas	SX	X	CUP <u>X</u>	CUP <u>X</u>	CUP <u>X</u>	CUP <u>X</u>
Piers and Docks	SX	X	XSD <u>P</u>	XSD <u>P</u>	XSD <u>P</u>	XSD <u>P</u>
Covered Moorage (Boat Garages)	X	X	X	X	X	X
Commercial Wet Moorage	SX	X	XCU <u>P</u>	X	X	XCU <u>P</u>
Boat lifts	SX	X	SDP <u>X</u>	SDP <u>X</u>	SDP <u>X</u>	SDP <u>X</u>
Commercial dry boat storage	SDP <u>X</u>	X	SDP <u>X</u>	X	X	SDP <u>X</u>
<i>Boat Launch Ramps</i>						
Commercial (private or public)	S	X	SDP <u>X</u>	X	X	SDP
Public	S	X	SDP <u>X</u>	SDP <u>X</u>	CUP <u>X</u>	SDP
Private (paved, for motorized craft)	SX	X	X	X	X	X
Private Hand launch, sand or cobble construction)	SDP	SDP	SDP	SDP	SDP	SDP
Mooring buoys/float plane moorage accessory to permitted moorage	CUP <u>X</u>	CUP <u>X</u>	SDP <u>X</u>	CUP <u>X</u>	SDP <u>X</u>	SDP <u>X</u>
Floats	CUP <u>X</u>	CUP <u>X</u>	SDP <u>X</u>	CUP <u>X</u>	SDP <u>X</u>	CUP <u>X</u>
<i>Commercial (8.0216.15.075 F)</i>						

²¹ - Requires minimum parcel size of 2 acres.

Uses and Activities	Aquatic ^(b)	Natural	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High Intensity
Water dependent	CUP	X	SDP	X	SDP	SDP
Water-related/water-enjoyment (oriented)	X	X	SDP	X	SDP	SDP
Non-water oriented	X	X	X	X	X	SDP
<i>Mining (8.0216.15.075 H)</i>						
Surface Mining	<u>SX</u>	X	X	X	X	X
Other Mining	<u>SX</u>	X	X	X	X	X
Mineral Prospecting and Placer Mining ²²	A	A	A	A	A	A
<i>Municipal Uses (8.026.15.075 I)</i>						
Water dependent	SDP	X	SDP	SDP	SDP	SDP
Water oriented	X	X	SDP	SDP	SDP	SDP
Non-water oriented	X	X	CUP	CUP	CUP	CUP
<i>Signage (8.0216.15.075 O)</i>						
Commercial Signs - on site advertising	X	X	SDP	X	X	SDP
Commercial Signs- off-site advertising	X	X	X	X	X	X
Public Highway, Safety, Directional and Informational Signs	CUP	CUP	SDP	SDP	SDP	SDP
<i>Residential (8.0216.15. N)</i>						
Exempt single family dwellings ²³	X	X	A	CUP	A	A
Non-exempt single-family dwellings (e.g. seasonal or year-round rentals)	X	X	SDP	CUP	SDP	SDP
Multi-family	X	X	SDP	CUP	SDP	SDP
Subdivision	CUP	CUP	SDP	CUP	SDP	SDP
<i>Utilities (8.016.15.0752 L & A)</i>						
Primary (8.02 L)	CUP	CUP	CUP	CUP	CUP	CUP
Accessory (8.02 A)	X ²⁴	A	A	A	A	A
<i>Industrial (16.15.075 8.02 G)</i>						
Water-dependent	CUP	X	X	X	X	SDP
Water-related	X	X	X	X	X	SDP

²² - If performed in compliance with WDFW Gold and Fish Pamphlet, all others CUP

²³ - RCW 90.58.030(3)(e)(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence (inclusive of accessory utilities) for his own use or for the use of his or her family, which residence does not exceed a height of thirty 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 this chapter (SEE WAC 173-26-211(5)(a)(ii)(C))

²⁴ - Accessory utilities shall be prohibited except those required to serve a permitted water dependent use, which shall require a conditional use permit.

Uses and Activities	Aquatic ^(b)	Natural	Shoreline Recreation	Urban Conservancy	Shoreline Residential	High Intensity
Nonwater Oriented	X	X	X	X	X	X
<i>Parking (8.0216.15. J)</i>						
As a primary use	X	X	X	X	X	X
Appurtenant to a permitted use	X	X	A	A	A	A
<i>Shoreline Modifications (8.0316.15.080)</i>						
Dikes/levees	CUP	X	CUP	CUP	CUP	CUP
Breakwaters, groins and jetties	CUP	X	CUP	CUP	CUP	CUP
Dredging and Material Disposal ²⁵	CUP	CUP	CUP	CUP	CUP	CUP
Filling ²⁶	CUP	X	CUP	CUP	CUP	CUP
Clearing and Grading ²⁷	X	X	CUP	CUP	CUP	CUP
Bulkheads and revetments	X	X	CUP	CUP	CUP	CUP
Shoreline Restoration and Enhancement ²⁸	S	SDP	SDP	SDP	SDP	SDP
<i>Shoreline Stabilization (8.0316.15.080 E)</i>						
Hardening, Structural approaches	X	X	CUP	CUP	CUP	CUP
Bioengineering approaches	SDP	SDP	SDP	SDP	SDP	SDP
Shoreline Restoration and Enhancement ¹⁸	S	SDP	SDP	SDP	SDP	SDP
<i>Transportation (8.0216.15.075 P)</i>						
Roads and Railroads	S	CUP	SDP	SDP	SDP	SDP
<i>Recreation (8.0216.15.075 M)</i>						
High Intensity	S	CUP	SDP	CUP	SDP	SDP
Low Intensity / Passive	S	CUP	SDP	SDP	SDP	SDP

16.15.080 Shoreline Modification Activities

Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications are usually undertaken in support of or in preparation for a shoreline use; for example, dredging (shoreline modification) to allow for a marina (boating facility use).

25 - All dredging shall be the minimum required to support an existing permitted or proposed allowed use and shall be subject to a conditional use permit.

26 - All fill is limited to the minimum amount required for existing permitted or proposed allowed uses, except as allowed in [8.0316.15.080 D](#).

27 - Clearing and grading that is not part of an allowed and permitted shoreline use shall require a conditional use permit except on properties physically separated from the shoreline by another property or public right of way.

28 - Restoration and enhancement projects may be exempted if part of an approved recovery plan.

A. General (applicable in all shoreline designations)

1. All shoreline modification activities not in support of an existing conforming use or other allowed use are prohibited, unless it can be demonstrated, that such activities are necessary to protect primary structures and in the public interest or are for the maintenance, restoration or enhancement of shoreline ecological functions.
2. Shoreline modifications shall result in no net loss of shoreline ecological functions. The number and extent of shoreline modifications shall be limited to the minimum required.
3. Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions shall be allowed. Preference shall be given to those types of shoreline modifications that have a lesser impact on ecological functions. For example, planting vegetation that will stabilize the shoreline is preferred rather than a concrete bulkhead.
4. Ecological impacts of shoreline modifications shall be mitigated in conformance with Critical Areas Regulations in [Appendix C Chapter 18.60 TMC](#).
5. All shoreline modification activities must conform to Section [8.01-16.15.070](#) General Regulations and the provisions for the appropriate shoreline designation.

B. Clearing and Grading

1. Clearing and grading shall be addressed and identified in the permit or exemption application for the shoreline use or activity with which it is associated.
2. Clearing or grading within required Zone 1 Vegetation and Zone 2 Use buffers and/or wetland buffers shall comply with the requirements of Section [8.01-A18.60 TMC](#), [16.15.080](#) and Table [16.15.080](#) 8.3.
3. No clearing or grading shall be initiated before the permit, exemption or variance is issued.
4. Existing native riparian vegetation shall be retained whenever possible.
5. Grading permits:
 - a. A grading permit issued by the Town of Twisp shall be required in the following situations:
 - 1) Where more than 50 cubic yards of material will be moved within a shoreline area for any portion of a construction project including foundations or septic installations; or
 - 2) Any clearing or grading within building setbacks or buffers.
 - 3) Where clearing and grading will modify a percentage of a site's shoreline area landward of the building setback that is greater than the percentage or square footage (whichever is greater) as specified in the following table.
 - 4) An increase of up to 25% cleared or graded area may be permitted through the submittal of a planting plan, critical areas report and mitigation plan that

demonstrates the grading and clearing will not impact or increase the impact to shoreline ecological function or value.

Table 8.316.15.080 3 Shoreline Designation Specific Clearing and Grading Standards²⁹

Shoreline Designation	Percent of site located within shoreline jurisdiction that may be cleared and/or graded outside required buffer zones³⁰
High Intensity	50%
Shoreline Residential	50%
Urban Conservancy	15%
Shoreline Recreation	50%
Natural	5%
Aquatic	N/A

6. In its review of clearing and grading proposals, the local government with jurisdiction shall require and utilize a clearing and grading plan that addresses species removal, replanting, irrigation, erosion and sedimentation control, and plans for protecting shoreline resources from harm.
7. Grading of a development site shall not alter natural drainage patterns in manner that would increase the rate or quantity of surface run-off, stormwater BMPs may be required.
8. Immediately upon completion of the construction or maintenance activity, remaining cleared areas shall be restored to a naturalistic condition using compatible, self-sustaining vegetation in accordance with Section ~~8.03~~ 16.15.080 G Vegetation Conservation.
9. Clearing by hand-held equipment of invasive non-native vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list ([Shoreline](#) Appendix E) or if the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons.
10. All shoreline development and activity shall use applicable BMPs from Eastern Washington Stormwater Management to minimize increases in surface water runoff that may result from clearing and grading activity.
11. Soil stabilization associated with clearing and grading shall, whenever feasible, use bioengineering or other soft stabilization techniques.

²⁹ - The standards in the table provide for the maximum percentage that may be cleared outside of Vegetation and Use Buffers.

³⁰ - The percentages represent the maximum allowable with an increase of up to 25% permitted subject to a critical areas report and mitigation management plan that considers present ecological function, cumulative impacts of the development and restoration opportunities, both on and off-site, DOES NOT INCLUDE CLEARING WITHIN THE ZONE 1 or ZONE 2 BUFFERS.

12. Any significant placement of materials from off of the site, or substantial creation or raising of dry upland, shall be considered filling and shall comply with the fill provisions of Section 16.15.080 D Fill.
13. Clearing and grading that is not part of an allowed and permitted shoreline use shall require a conditional use permit except on properties physically separated from the shoreline by another developed property or developed public right of way.

C. Dredging and Dredge Material Disposal

1. The Town shall require and use the following information in its review of shoreline dredging and dredge material disposal proposals:
 - a. Dredging volumes, methods, schedules, frequency, hours of operation, and procedures.
 - b. Analysis of material to be dredged in compliance with Model Toxics Control Act.
 - c. Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation methods and routes, hours of operation, and schedule.
 - d. Stability of bedlands adjacent to the proposed dredging site.
 - e. Stability of geologically hazardous areas in the vicinity of the proposed dredging site.
 - f. Assessment of water quality impacts.
 - g. Habitat assessment meeting the standards prescribed for Fish and Wildlife Habitat Conservation Areas in Critical Areas regulations ~~of appendix C~~ [Chapter 18.60 TMC](#), including migratory, seasonal, and spawning, migration, wetland and riparian use areas.
2. In evaluating permit applications for any dredging project, the Administrator and/or appropriate hearing or review body shall consider the need for and adverse effects of the initial dredging, subsequent maintenance dredging, and dredge disposal. Dredging and dredge material disposal shall only be permitted where it is demonstrated that the proposed actions will not:
 - a. Result in significant and/or on-going damage to water quality, fish, or other biological elements;
 - b. Adversely alter natural drainage and circulation patterns, or significantly reduce flood storage capacities;
 - c. Affect slope stability; or
 - d. Otherwise damage shoreline or aquatic resources.
3. Proposals for dredging and dredge disposal shall prepare a mitigation management plan to protect fish and wildlife habitat in compliance with ~~Appendix C~~ [Chapter 18.60 TMC](#) to minimize adverse impacts such as turbidity; release of nutrients, heavy metals, sulfides, organic materials, or toxic substances; dissolved oxygen depletion;

or disruption of food chains.

4. Dredging and dredge material disposal shall not occur in wetlands except as authorized by Conditional Use Permit in compliance with [Appendix C 18.60 TMC](#) with conditions providing that the valuable functions of the wetland, such as wildlife habitat and natural drainage, will not be diminished.
5. Dredging waterward of the ordinary high-water mark shall be allowed by conditional use permit only when:
 - a. It has been proven that the development cannot be sited elsewhere and has been designed to avoid and minimize new and maintenance dredging (WAC 173-26-231(3)(f))
 - b. For navigation or existing navigational access;
 - c. In conjunction with a conforming allowed water-dependent use of water bodies or adjacent shorelands;
 - d. As part of a habitat management plan that has been approved by the Town and other entity with jurisdiction, and has been accepted by the Washington Department of Fish and Wildlife or other agency with jurisdiction;
 - e. To improve water quality;
 - f. For mining, mineral extraction, mineral prospecting and placer mining as provided in Section [8.0216.15.075](#) H Mining;
 - g. In conjunction with a bridge or a navigational channel, basin, or structure for which there is a documented public need and where other feasible sites or routes do not exist; or
 - h. To improve water flow and/or manage flooding only when consistent with an approved flood and/or stormwater comprehensive management plan in conjunction with a habitat mitigation management plan.
6. Any impacts of dredging that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
7. Dredging shall use techniques that cause the minimum dispersal and broadcast of bottom material.
8. Dredging for the primary purpose of obtaining material for fill is prohibited, except when the material is necessary for the restoration of ecological functions. The fill must be associated with a significant habitat enhancement project that is listed as part of a regional or watershed-scale plan, MTCA or CERCLA habitat restoration project. When allowed, the site where the fill is to be placed must be located waterward of the OHWM (WAC 173-26-231(3)(f)) and conducted in accordance with the dredged material management program of the department of natural resources.
9. Dredging to construct canals or basins for boat moorage or launching, water ski landings, swimming holes, and similar uses shall only be permitted as a conditional use and shall include a habitat enhancement/mitigation plan.

10. Disposal of dredged materials shall be accomplished at approved contained upland sites in compliance with all Federal, State and local regulations.
11. Depositing dredge materials in water areas shall be allowed only by Conditional Use Permit, for one or more of the following reasons:
 - a. For wildlife habitat improvement.
 - b. To correct problems of material distribution adversely affecting fish resources.
 - c. For permitted enhancement of beaches that provide public access, where it has been conclusively demonstrated that no net loss of shoreline ecological functions will result or for public safety.
12. Use of dredged material for beach enhancement shall be conducted so that:
 - a. Erosion from the disposal site is minimized. Erosion of the dredged material shall not smother emergent vegetation or other shallow productive areas.
 - b. To the extent possible, the volume of dredged material and frequency of disposal maintain a stable beach profile. Dredged material shall be graded as a uniform slope and contoured to reduce cove and peninsula formation and to preclude stranding of juvenile fish.
13. Land disposal sites shall be replanted as soon as feasible, and in no case later than the next planting season, in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Vegetation from the recommended list ([Shoreline Appendix E](#)) or other species authorized by the Town shall be used. Native plants are preferred. Plants that may compromise shoreline values are prohibited. The permit application planting plan submittal shall identify the size, location, and species of plants that will be used. The agency or developer responsible for the land disposal shall also be responsible for maintaining the vegetation as established in the approved mitigation management plan.
14. Proposals for disposal in the channel migration zone is discouraged and only allowed by Conditional Use Permit (WAC 17-26-231(3)(f)). Disposal in other shoreline areas must provide for the implementation of adopted regional interagency dredge material management plans or watershed management planning that benefits the shoreline resources.
- 15 Designation Specific Regulations.
 - a. Aquatic, Natural, Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity
 - 1) All dredging shall be the minimum required to support an existing permitted or proposed allowed use and shall be subject to a Conditional Use Permit.

D. Fill

1. The Town shall require and use the following information in its review of fill proposals and the applicant shall submit the following on their permit or exemption application:

- a. Proposed use of the fill area.
 - b. Physical characteristics, such as chemical and biological composition if appropriate, depending on where it is to be placed or will be subject to inundation.
 - c. Source of the fill material.
 - d. Method of placement and compaction.
 - e. Location of fill relative to existing drainage patterns and wetlands.
 - f. Location of the fill perimeter relative to the ordinary high-water mark.
 - g. Perimeter erosion control or stabilization measures.
 - h. Type of surfacing and runoff control devices.
2. Fill waterward of the ordinary high-water mark or in wetlands shall only be permitted as a conditional use in all shoreline designations, and only when necessary for the support of one of the following purposes:
 - a. water-dependent use,
 - b. public access,
 - c. cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan,
 - d. disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources,
 - e. expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible, mitigation action, environmental restoration, beach nourishment or enhancement project.
 - f. Fill in wetlands must comply with the wetlands provisions of the Critical Areas regulations in [Appendix C Chapter 18.60](#) and shall result in no net loss of wetland area in functions including lost time when the wetland does not perform the function and is subject to mitigation in this SMP.
3. Pier or pile support shall be utilized whenever feasible in preference to filling. Fills for approved road, bridge or navigational structure development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.
4. Fills are prohibited in floodplains except where it can be clearly demonstrated that the geo-hydraulic characteristics and floodplain storage capacity will not be altered to cause increased flood hazard or other damage to life or property in excess of accepted standards provided by state and/or federal agencies.
5. Fills are prohibited in floodways, and channel migration zone areas (See [CMZ Map Shoreline Appendix G](#)) except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, as specified in Section [8.0316.15.070 D 2](#) above, and when permitted by the Town of

- Twisp's Critical Areas regulations and any other relevant regulations or plan (e.g., flood hazard prevention regulations or Comprehensive Flood Hazard Management Plan).
6. Fills shall be permitted only when it is demonstrated that the proposed action will not:
 - a. Result in significant damage to water quality or fish and wildlife habitat;
 - b. Adversely affect natural drainage and circulation patterns or significantly reduce flood water capacities;
 - c. Affect slope stability; or
 - d. Otherwise damage shoreline or aquatic resources.
 7. Placing fill in water bodies or wetlands to create usable land for shoreline development is prohibited and shall not be used to calculate parcel size proposed for subdivision.
 8. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetated buffer areas, or other methods, and shall be adequately sloped to prevent erosion and sedimentation both during initial fill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the fill and shall be maintained until self-sustaining. The design shall incorporate natural-appearing and self-sustaining control methods unless they can be demonstrated to be infeasible due to existing environmental conditions such as currents and weather.
 9. Fill materials shall be sand, gravel, rock, soil, or similar materials. Use of polluted dredge spoils, solid waste, and sanitary landfill materials is prohibited.
 10. Fills shall be designed to allow surface water penetration into ground water supplies where such conditions existed prior to fill. Fills shall not be permitted in aquifer recharge areas if they would have the effect of preventing percolation of the water.
 11. The timing of fill construction shall be regulated to result in no net loss of shoreline ecological functions, including water quality and aquatic life.
 12. Fill on dry land shall not result in substantial changes to patterns of surface water drainage from the project site and onto adjacent properties; within shoreline areas; into aquatic areas; or onto steep slopes or other erosion hazard areas.
 13. Designation specific regulations.
 - a. Aquatic, Shoreline Recreation, Urban Conservancy, Shoreline Residential and High Intensity
 - 1) All fill is prohibited except the minimum amount required for existing permitted or proposed allowed uses.
 - 2) All permitted fill shall require a Conditional Use Permit.

b. Natural

1) Prohibited.

E. Shoreline Stabilization (See WAC 173-26-231(3)(a)(iii))

1. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivisions shall be reviewed to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur. Such review shall require using geotechnical analysis of the site and shoreline characteristics when development is to occur in known or suspected geologically hazardous areas. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
2. New structural stabilization measures shall not be allowed¹² except to protect an existing primary structure when all of the conditions below apply:
 - a. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
 - b. The erosion control structure will not result in a net loss of shoreline ecological functions.
3. New shoreline stabilization for water-dependent development shall not be allowed except when all of the conditions below apply:
 - a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - b. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - d. The erosion control structure will not result in a net loss of shoreline ecological functions.
4. New structural stabilization measures shall not be allowed for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter

12 - Except for approved habitat restoration or enhancement projects.

70.105 D RCW except when all of the conditions below apply:

- a. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient;
 - b. The erosion control structure will not result in a net loss of shoreline ecological functions.
5. Use of shoreline stabilization measures to create new land is prohibited including creation of new lots that will require shoreline stabilization in order to allow development.
6. New non-water-dependent development, including exempt and non-exempt single-family residences, that include structural shoreline stabilization shall not be allowed unless all of the following conditions apply:
- a. The need for shoreline stabilization is to protect the development from destruction due to erosion caused by natural processes, such as currents and waves, is demonstrated through a geotechnical report;
 - b. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation;
 - c. Non-structural measures (such as placing the development farther from the shoreline), vegetative methods, or installing on-site drainage, are not feasible or not sufficient; and
 - d. The stabilization will not cause a net loss of shoreline ecological functions.
7. An existing shoreline stabilization structure may be replaced with a similar structure¹³ if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves.
- a. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - b. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - c. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
 - d. For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

13 - Said replacement structure shall be engineered and designed to address the issues of the failure of the existing structure.

8. A geotechnical report prepared to address the need to prevent potential damage to a primary structure shall address the town's standards for a critical areas report in [Appendix C Chapter 18.60.090](#) for geologically hazardous areas as well as issues below.
9. Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.
10. Hard armoring solutions shall not be authorized except when a geotechnical report confirms that there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
11. Shoreline stabilization shall not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.
12. New uses, including exempt uses, in areas above unstable slopes and moderately unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis.
13. Where structural shoreline stabilization measures are shown to be necessary, the extent of the stabilization measures shall be limited to the minimum necessary.
14. Stabilization measures shall be designed to minimize harm to and as much as possible restore ecological functions. Lost functions shall be mitigated to ensure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated to be insufficient to protect the primary structure or structures.
15. Where stabilization is necessary to alleviate erosion caused by removal of vegetation, vegetative stabilization measures shall be the only stabilization measures allowed, except where a report by a qualified professional is submitted. See Section [8.0316.15.080](#) G Vegetation Conservation.
16. Where feasible, ecological restoration and public access improvements shall be incorporated into public projects. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
17. All applicable federal, state, and local permits shall be obtained and complied with in the construction of shoreline stabilization measures. All permits must be issued

before any stabilization work takes place.

18. Designation Specific Regulations.

a. Aquatic and Natural

- 1) Dikes/levees, breakwaters, groins and jetties are prohibited.

b. Shoreline Recreation, Shoreline Residential and High Intensity

- 1) Dikes/levees, breakwaters, groins and jetties shall require a Conditional Use Permit.

c. Aquatic, Natural, Urban Conservancy, Shoreline Recreation, Shoreline Residential and High Intensity

- 1) Bioengineering approaches shall require a Substantial Development Permit.

F. Bulkheads

1. All bulkheads are also subject to the provisions of Sections ~~8.01~~[16.15.080](#) A and ~~8.03~~[16.15.080](#) AB, ~~16.15.080~~~~8.03~~ E and ~~8.03~~[16.15.080](#) F.
2. New or enlarged bulkheads for an existing principal structure or use, including residences and accessory structures, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report prepared according to the local jurisdiction's standards for a critical areas report for geologically hazardous areas, that the principal structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage in a manner that does not degrade shoreline function before considering structural shoreline stabilization. The project design and analysis shall also evaluate vegetation enhancement as a means of reducing undesirable erosion. The geotechnical analysis shall demonstrate that the stabilization measure chosen is the least intrusive means that will be sufficient to achieve stabilization. The geotechnical analysis shall evaluate impacts that could pose stabilization problems to neighboring properties.
3. An existing bulkhead may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves. In this case, demonstration of need does not necessarily require a geotechnical report; need must, however, be demonstrated using documentable information sources.

The replacement structure shall be designed, located, sized, and constructed to ensure no net loss of ecological functions. Replacement bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to the date of adoption of this SMP, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. The Administrator may permit vegetative stabilization that restores ecological functions waterward of the ordinary high-water mark.

4. A bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed 1' wider than the gangplank or pier structure on each side nor shall it exceed 6' landward in total width along the shoreline.
5. Designation Specific Regulations
 - a. Aquatic, Natural
 - 1) Bulkheads shall be prohibited.
 - b. Urban Conservancy, Shoreline Recreation, Shoreline Residential and High Intensity
 - 1) Bulkheads shall require a Conditional Use Permit.

G. Vegetation Conservation

1. Restoration or enhancement of any shoreline area that has been disturbed or degraded shall use plant materials from the recommended list ([Shoreline](#) Appendix E) or other species approved by agencies or organizations operating within the jurisdiction, such as the departments of Ecology, County Extension, Fish and Wildlife or the Native Plant Society.
2. Stabilization of erosion-prone surfaces along shorelines shall primarily use vegetative, non-structural means and shall comply with the provisions of Section ~~8.03~~[16.15.080](#) E. More intensive measures may be permitted providing the project will result in no net loss in shoreline function.
3. Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited. This does not preclude the removal of noxious weeds, provided a mitigation management plan is submitted and approved.
4. Weed abatement shall comply with all provisions of this SMP.
5. Non-destructive pruning and trimming of vegetation for maintenance purposes shall be permitted in compliance with View Corridor provisions of ~~Section 16.15.0080~~[Section 16.15.0080 G](#).
6. Permits issued for projects in ecologically degraded areas shall include a condition that appropriate shoreline vegetation shall be planted or enhanced, to contribute to the restoration of ecological processes and functions.
7. If weather does not permit immediate restoration of disturbed areas, replanting shall be completed during the next planting season, and the soil shall be protected until replanting is complete.
8. Vegetation from the recommended list ([Shoreline](#) Appendix E) or other species authorized by the local government with jurisdiction shall be used. Native plants are preferred. Plants that may compromise shoreline values shall be prohibited. If necessary, a temporary sterile cover crop (e.g., a sterile non-persistent member of the grass family such as sterile Triticale, barley, or oats) shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.

9. Replanted areas shall be maintained until desired vegetation is well established (a minimum of three years). In the case of transportation, utility, or other capital facility construction, the agency or developer constructing the facility shall also be responsible for maintaining the vegetation until it is established.

16.15.085 Table 4 Guidelines for Establishing Land Use Intensity

(To Be Used in Conjunction with this section, Title 18 TMC Zoning Code, Chapter 18.60 TMC Critical Areas and related adopted development and performance Standards)

<u>Level of Land Use Intensity</u>	<u>Types of Land Uses</u>
<u>High</u>	<u>Commercial, industrial, institutional, retail, residential density > 1 du/acre, high intensity recreation (ball fields, golf courses), highways and paved thoroughfares</u>
<u>Moderate</u>	<u>Residential < 1 du/acre, open space with active recreation development and activities, impervious drives serving > 3 du, paved trails, utility corridors and rights-of-way requiring vegetation management and service roads</u>
<u>Low</u>	<u>Open space with passive recreation, agriculture, unpaved roads serving < 2 du, unpaved trails, utility corridor without service road or vegetation management</u>

16.15.090 Shorelines Designations Map

The location and boundaries of the shoreline designations applied in this Chapter are established as shown on the map entitled the Twisp shorelines map. The shorelines map shall be adopted by ordinance with the ordinance number shown thereon, the date adopted, and shall be signed by the mayor. The signed map shall be maintained on display at Town Hall and considered a part of this title.

A. Interpretation of shoreline designations map.

Where uncertainty exists as to the boundaries of shorelines designations as shown on the Twisp Shorelines Designation Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the corporate limits of the Town shall be construed as following the corporate limits of the Town;
4. Boundaries indicated as following shorelines shall be construed to following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines;

B. Designations of shorelines in annexations.

[Any shoreline areas annexed to the Town shall be designated consistent with the comprehensive plan shoreline designation for the area to be annexed.](#)

16.15.095 Appeals

A. Appeals of Shoreline Administrative Decisions

1. Administrative review decisions by the Administrator, based on a provision of this SMP, may be the subject of an appeal to the Board of Adjustment by any aggrieved person. Such appeals shall be an open record hearing before the Board of Adjustment. Where the responsible local government does not have a Board of Adjustment, the Town Council shall hold an open record hearing appeal. Appeals must be submitted within twenty-one (21) days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:
 - a. The decision being appealed;
 - b. The name and address of the appellant and his/her interest(s) in the application or proposed development;
 - c. The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous;
 - d. The specific relief sought by the appellant; and
 - e. The appeal fee established by the responsible local government.

B. Appeals to the Shorelines Hearing Board

1. Appeals to the Shoreline Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Variance, Shoreline Conditional Use Permit, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within twenty-one (21) days of filing the final decision by the responsible the Town with Ecology.

16.15.100 Reasonable Use Exception

- A. Where project proponents would seek a "Reasonable Use" exception to their proposal, they shall seek exception process and relief through the RSMP Conditional Use or Variance Permit process.

16.15.105 Non-Conforming Structures

- A. Structures that were legally established and are used for a use conforming at the time of establishment, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density established in this Chapter may be maintained and repaired and may be enlarged or expanded upon issuance of a Conditional Use Permit provided that no reasonable alternative use is practical and the proposed use will be at least as

consistent with the policies and provisions of the act and this SMP and as compatible with the uses in the area as the preexisting use.

- B. A structure for which a Variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- C. A nonconforming structure which is moved any distance must be brought into compliance with this SMP.
- D. If a nonconforming development is damaged, it may be reconstructed provided the resulting configuration does not increase the nonconformity as it existed immediately prior to the time the development was damaged. An application shall be made for permits necessary to restore the development within one year of the date the damage occurred, all permits are obtained, and the restoration is completed within two years of permit issuance unless otherwise extended.
- E. Nothing in this section shall be deemed to prevent the normal maintenance and repair of a nonconforming structure or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety.

16.15.110 Non-Conforming Uses.

- A. Uses and developments that were legally established and are nonconforming with regard to the use regulations of this Chapter may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences and water related commercial uses that are located landward of the OHWM may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in 16.15.040 upon approval of a Conditional Use Permit.
- B. A use which is listed as a conditional use, but which existed prior to adoption of this Chapter or any relevant amendment and for which a Conditional Use Permit has not been obtained, shall be considered a legal nonconforming use.
- C. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be approved only upon a finding that:
 - 1. The proposed use will be at least as consistent with the policies and provisions of the Act and this Chapter and as compatible with the uses in the area as the preexisting use. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this Chapter and the Act, and to assure that the use will not become a nuisance or a hazard.
- D. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any

subsequent use shall be conforming. A use authorized pursuant to this section shall be considered a conforming use for purposes of this section.

16.15.115 Non-Conforming Lots.

An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with local and state subdivision requirements prior to the effective date of this Chapter, but which does not conform to the present lot size standards, may be developed, if permitted by other land use regulations of the Town and so long as such development conforms to all other requirements of this Chapter and the Act.

16.15.120 Enforcement, Violations and Penalties.

- A. Authority and purpose. This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and the town under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075
(Order 95-17), § 173-27-240, filed 9/30/96, effective 10/31/96.]

- B. Definitions. The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:
1. "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and
 2. "Exemption" means authorization from the city which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075
(Order 95-17), § 173-27-250, filed 9/30/96, effective 10/31/96.]

- C. Policy. These regulations should be used by the town in carrying out enforcement responsibilities under the act, unless the town adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or the town may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the

enforcement action. [Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-260, filed 9/30/96, effective 10/31/96.]

D. Order to Cease and Desist. The Town and/or the department of Ecology shall have the authority to serve upon a person a cease-and-desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

1. Content of order. The order shall set forth and contain:

- a. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
 - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.
2. Effective date. The cease-and-desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
3. Compliance. Failure to comply with the terms of a cease-and-desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-270, filed 9/30/96, effective 10/31/96.]

E Civil Penalty.

1. A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease-and-desist order issued under these regulations may be subject to a civil penalty by the Town. The department may impose a penalty jointly with the Town, or alone only upon an additional finding that a person:
 - a. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
 - b. Has been given previous notice of the same or similar type of violation of the same statute or rule; or
 - c. The violation has a probability of placing a person in danger of death or bodily harm; or
 - d. Has a probability of causing more than minor environmental harm; or
 - e. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
2. In the alternative, a penalty may be issued to a person by the department alone, or jointly with the Town for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

- a. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- b. A statement of what is required to achieve compliance;
- c. The date by which the agency requires compliance to be achieved;
- d. Notice of the means to contact any technical assistance services provided by the agency or others; and
- e. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

3. Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.
4. Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
5. Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.
6. Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or the Town for remission or mitigation of such penalty. Upon receipt of the application, the department or the Town may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the Town agree. [Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-280, filed 9/30/96, effective 10/31/96.]

F. Appeal of Civil Penalty

1. Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and the Town may appeal the same to the Shorelines Hearings Board. Appeals to the Shorelines Hearings Board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by the Town may appeal the same to the Twisp Town Council.
2. Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department

or local government. If such application is made, appeals shall be filed within thirty days of receipt of the Town's and/or the department's decision regarding the remission or mitigation.

G. Penalties due.

1. Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the Town/local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.
2. If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed the Town is not paid within thirty days after it becomes due and payable, the Town may take actions necessary to recover such penalty.

H. Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by the Town shall be paid to the Twisp treasury. Penalties recovered jointly by the department and the Town shall be divided equally between the department and the local government unless otherwise stipulated in the order. Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-27-290, filed 9/30/96, effective 10/31/96.]

I. Criminal Penalty. The procedures for criminal penalties shall be governed by RCW 90.58.220.

J. Prosecution. Any person violating any of the provisions of this Master Program or the Shoreline Management Act of 1971 shall be guilty of a gross misdemeanor, and shall be punishable by a fine of not less than \$25.00 nor more than \$1,000, or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense. Provided, that the fine for the third and all subsequent violations in any five (5) year period shall not be less than \$500.00 nor more than \$10,000.00.

K. Injunction. The Town Attorney may bring such injunctive, declaratory or other actions as are necessary to ensure that no uses are made of the shorelines of the State within the Town's jurisdiction which are in conflict with the provisions and programs of this Master Program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline Management Act of 1971.

L. Violators Liable for Damages. Any person subject to the regulatory program of this Master Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The Town Attorney may bring suit for damages

under this subsection on behalf of the Town. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the Court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

Periodic Review Checklist: 2021 version

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology rules that define the procedures for conducting these reviews include a requirement to use this checklist to ensure a successful review ([WAC 173-26-090](#)). By filling out this checklist, the local government is demonstrating compliance with the minimum scope of review requirements of WAC 173-26-090(2)(d)(ii). The checklist is organized into two parts.

Part One is used to identify how the SMP complies with current state laws, rules and guidance. This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments.

Part Two is used to document local review to ensure the SMP is consistent with changes to the local comprehensive plans or development regulations, and to consider changes in local circumstances, new information or improved data. As part of this periodic review the local government should include consideration of whether or not the changes warrant an SMP amendment.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

Use the **review column** to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b). Ecology recommends reviewing all items on the checklist.

Use the **action column** as a final summary identifying your final action taken to address the identified change in state law, rule or guidance. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b). This will likely include one of the following:

- Amendment proposed (include code citation);
- No amendment needed; or
- Not applicable.

Example

Row	Summary of change	Review	Action
2017a	OFM adjusted the cost threshold for substantial development to \$7,047.	21A.25.290B refers to the statutory thresholds, as amended by OFM.	No amendments needed.

For more information

Coordinate with [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
Kurt E. Danison	Town of Twisp	6/20/23

Part One: State laws, rules and guidance review

Part One is used to demonstrate compliance with WAC 173-26-090(2)(d)(i)(A). This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments during periodic reviews.*

Row	Summary of change	Review	Action
2021			
a.	The Legislature amended floating on-water residences provisions	[COMMENT 1 – PR 2021(a)] The 2012 SMP references “floating homes,” “houseboat,” “permanently based over water residence” “liveaboard” in definitions, 2.63, 2.84; in “boating facilities,” 6.08I	Updated definition of “floating homes” 16.15.040 Page 12 and prohibition on such uses are maintained in 16.15.070 10 page 42.
b.	The Legislature clarified the permit exemption for fish passage projects	[COMMENT 2 – PR 2021(b)] 2012 SMP 11.12 B.16 lists Exemptions from Shoreline Substantial Development Permit Process does not include language from amendments; amendments applied on effective date, regardless of whether exemption listed in SMP.	Updated and added 16.15.050 Shoreline Exemptions
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	[COMMENT 3 – PR 2019(a)] 2012 SMP cost thresholds at definitions 2.168(g) and “Exemptions From Shoreline Substantial Development Permit Process,” 11.12 B.8 are outdated.	Town has eliminated docks as an allowed use.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$8,504.	[COMMENT 4 – PR 2017(a)] 2012 SMP includes outdated cost threshold at in 2.55, 2.168, 11.12 B.1	Updated threshold in 16.15.040 definitions page 27 and reflected in 16.15.050 B 1 page 32
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	[COMMENT 5 – PR 2017(b)] 2012 SMP definition 2.40 “development” does not include the clarification - what “development” is not.	Update 16.15.040 definitions page 9
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	[COMMENT 6 – PR 2017(c)] 2012 SMP Exemptions from Shoreline Substantial Development Permit Process 11.12 B. 12. includes an <i>exemption</i> for Energy Facilities under RCW 80.50	Updated and added 16.15.050 Shoreline Exemptions
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	[COMMENT 7 – PR 2017(d)] 2012 SMP Notice of Final Decision 11.10 E refers to filing the final local	No action is necessary. Twisp could choose to include some or all example language, including the different definitions for “date of

Row	Summary of change	Review	Action
		<p>decision in accordance with WAC 173-27-130.</p> <p>Appeals 11.15 has <i>days</i> of filing language, but does not include permit filing process.</p> <p>11.04 D Application Vesting and 11.11 F Shoreline Substantial Development Permits has “date of filing as provided in RCW 90.58.140(6) and refers to time during appeals.</p>	<p>filing” [receipt of versus transmittal of].</p> <p>Purpose of amendment is for consistency and predicatability of the appeal time period and creates bypass so Town does not have to contact Ecology for every permit.</p>
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	[COMMENT 8 – PR 2017(e)]	Not forestry in Twisp
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	[COMMENT 9 – PR 2017(f)]	No federal lands in Twisp
g.	Ecology clarified “default” provisions for nonconforming uses and development .	<p>[COMMENT 10 – PR 2017(g)]</p> <p>2012 SMP introduces, defines, and refers to “conforming and non conforming uses, structures, and lots” in the applicability section.</p> <p>Defined at 2.112, 2.113</p> <p>2012 SMP addresses same under 11.17, 11.18, and 11.19</p>	Updated 16.15.040 definitions pages 16 and 20 and include regulations in 16.15.100, 16.15.105 and 16.15.110 pages 114 -116
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	<p>[COMMENT 11 – PR 2016(a)]</p> <p>2012 SMP does not contain exemption; however, definitions - 2.166 (substantial development exemptions) does contain the rest of the exemptions under WAC 173-27-040 and as defined in RCW 90.58.030(3)(e)</p>	Updated and added 16.15.050 Shoreline Exemptions

Row	Summary of change	Review	Action
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	[COMMENT 12 – PR 2016(b)] Very brief review - the 2012 SMP and 2019 (?) CAO do not appear to entirely line up. This section needs additional review and/or conversations.	Updated 16.15.070 B to refer to newly updated critical areas regulations Chapter 18.60 TMC page 53
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	[COMMENT 13 – PR 2015(a)] 2012 SMP does not contain provision for 90 days or “safety risks;” SR 20 is located through Twisp. Twisp could include reference to 90 days and 21 days for more user friendly and inclusive SMP, but it is not required.	No action.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	[COMMENT 14 – PR 2012(a)] 2012 SMP does not contain specific steps or language for appealing SMP amendments, nor are they required to be in the SMP. 2012 SMP contains a link to “state master program approval/amendment procedures and master program guidelines.” In Chapter 1, Introduction.	No action.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	[COMMENT 15 – PR 2011(a)] 2012 SMP Critical Areas does not include identification of wetlands and delineation. CAO Reference Maps and Materials 18.60.060(13) refers to	Updated 16.15.070 B to refer to newly updated critical areas regulations Chapter 18.60 TMC page 53

Row	Summary of change	Review	Action
		“Washington State Wetlands Identification and Delineation Manual (DOE, March 1997),” which was repealed and replaced by the federal manual and regional supplements.	
b.	Ecology adopted rules for new commercial geoduck aquaculture .	[COMMENT 16 – PR 2011(b)] 2012 SMP does not include geoduck presumably because no geoduck in Twisp.	Updated to eliminate Aquaculture as a permitted use 16.15.075 page 57
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	[COMMENT 17 – PR 2011(c)] 2012 SMP definitions 2.63 includes what appears to be an outdated definition, but Twisp does not appear to allow for floating homes. 6.08 I. “floating homes” should be prohibited... 8.01 A.10A “floating homes”	Updated definition of “floating homes” 16.15.040 Page 12 and prohibition on such uses are maintained in 16.15.070 10 page 42.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	[COMMENT 18 – PR 2011(d)] 2012 SMP includes language from RCW 90.58.620 under “Does this SMP apply to existing development?”	No action required.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	[COMMENT 19 – PR 2010(a)] 2012 SMP does not appear to have “effective date” of amendments.	No action.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	[COMMENT 20 – PR 2009(a)] 2012 SMP does not appear to include “relief” for shift of OHWM for shoreline restoration projects.	Consider adding Ecology’s suggested language, though not required: The Town may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth

Row	Summary of change	Review	Action
			areas consistent with criteria and procedures in WAC 173-27-215.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	[COMMENT 21 – PR 2009(b)] 2012 SMP does not appear to include wetland mitigation banks; “compensatory mitigation” is under “Wetlands,” 6.04 F.5 “mitigation banking” appears as an “objective,” Chapter 10 “Restoration Plan”	Updated 16.15.070 B to refer to newly updated critical areas regulations Chapter 18.60 TMC page 53
c.	The Legislature added moratoria authority and procedures to the SMA.	[COMMENT 22 – PR 2009(c)] 2012 SMP does not appear to include moratoria authority/procedures. The Town can rely on the statute.	No action identified. Town has the ability to adopt moratoria when needed.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	[COMMENT 23 – PR 2007(a)] 2012 SMP definition 2.67 includes defining floodway with both options.	Updated 16.15.040 definitions pages 12 and 13
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	[COMMENT 24 – PR 2007(b)]	Shoreline Designation Map and Section 16.15.095 page 113

* See additional considerations for Ocean Management within Ecology’s Ocean Management Checklist and associated guidance for using the Ocean Management Checklist. This checklist and guidance summarizes state law, rules and applicable updated information related to Ocean

Resources Management Act (ORMA) and the Washington State Marine Spatial Plan (MSP). All jurisdictions with coastal waters must implement ORMA and the MSP applies to all jurisdictions that overlap with the MSP Study Area. Clallam County, Jefferson County, Grays Harbor County, Pacific County, Ilwaco, Long Beach, Raymond, South Bend, Cosmopolis, Ocean Shores, Hoquiam, Aberdeen, Westport need to plan for ocean uses consistent with ORMA and the MSP and should be using the Ocean Management Checklist in addition to this Periodic Review Checklist.

Part Two: Local review amendments

Part Two is used to demonstrate compliance with WAC 173-26-090(2)(d)(ii). This checklist identifies changes to the local comprehensive plans or development regulations, changes in local circumstances, new information or improved data that may warrant an SMP amendment during periodic reviews.

Changes to Comprehensive Plan and Development regulations

Question	Answer		Discussion
Have you had Comprehensive Plan amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Have your had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Has your Critical Areas Ordinance (CAO) been updated since the SMP comprehensive update? If yes, are there changes that trigger need for an SMP amendment?	<input checked="" type="checkbox"/>	Yes	Updated SMP to eliminate CAO regulations and refer instead to newly adopted CAO (18.60 TMC)
	<input type="checkbox"/>	No	
Are CAO provisions incorporated by reference (with ordinance # and date) into your SMP? If yes, is it the current CAO or a previous version?	<input checked="" type="checkbox"/>	Yes	CAO adopted in 2021
	<input type="checkbox"/>	No	
Has any new shoreline area been annexed into your jurisdiction since your SMP was updated? If yes, were these areas pre-designated?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Other	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP for consistency with amendments to the Comprehensive Plan and Development regulations. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules

Changes to local circumstance, new information, or improved data

Question	Answer		Discussion
Has your jurisdiction experienced any significant events, such as channel migration, major floods or landslides that impacted your shoreline and could trigger a need for an SMP amendment?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Have FEMA floodplain or floodway maps been recently updated for your jurisdiction? If your SMP extends shoreline jurisdiction to the entire 100-year floodplain, has FEMA updated maps that trigger a need for an SMP amendment?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Have you issued any formal SMP Administrative Interpretations that could lead to improvements in the SMP?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Are there any Moratoria in place affecting development in the Shoreline?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Have staff identified the need for clarification based on implementation or other changes? e.g., modifications to environment designations, mapping errors, inaccurate internal references.	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	
Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	<input type="checkbox"/>	Yes	
	<input checked="" type="checkbox"/>	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP to address changes to local circumstances, new information, or improved data. Example format:




SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules


SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules

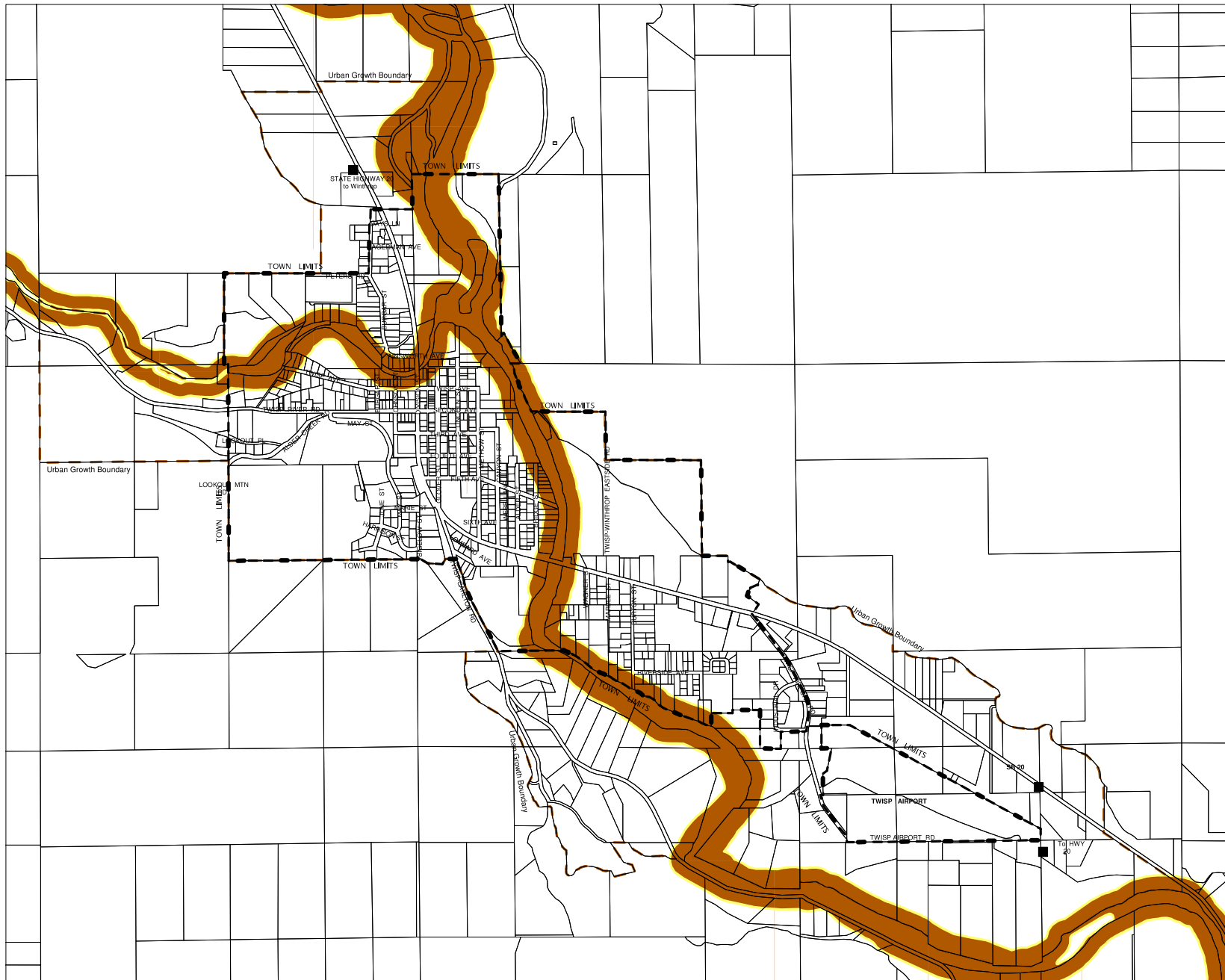
TOWN OF TWISP COMPREHENSIVE PLAN 2006 UPDATE

MAP V FLOOD HAZARD

LEGEND

-  Floodplain
-  Town limits
-  Urban Growth Area

DRAWN BY: K. Danison		CITY OF: Twisp	
DATE: 6/12/07		TITLE: Floodplain Map	
		Highlands Associates Okanogan, WA	
SCALE:		FIG. # : V	
All map data is approximate and should be verified prior to any further use			



Adopted this __ day of _____, 2013

Ordinance No. 620

amended by Ordinance No. 632

amended by Ordinance No. ____

Mayor

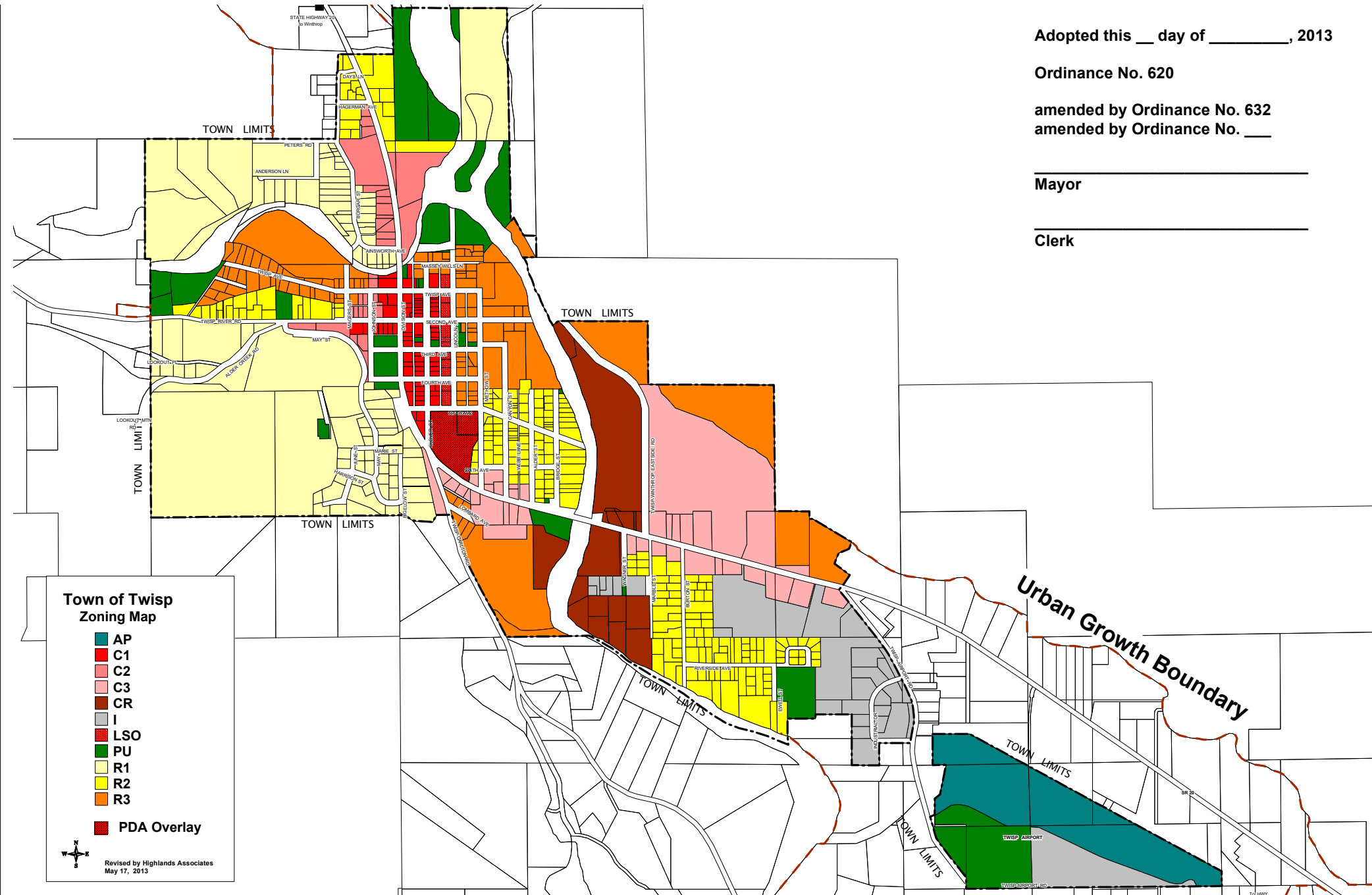
Clerk

**Town of Twisp
Zoning Map**

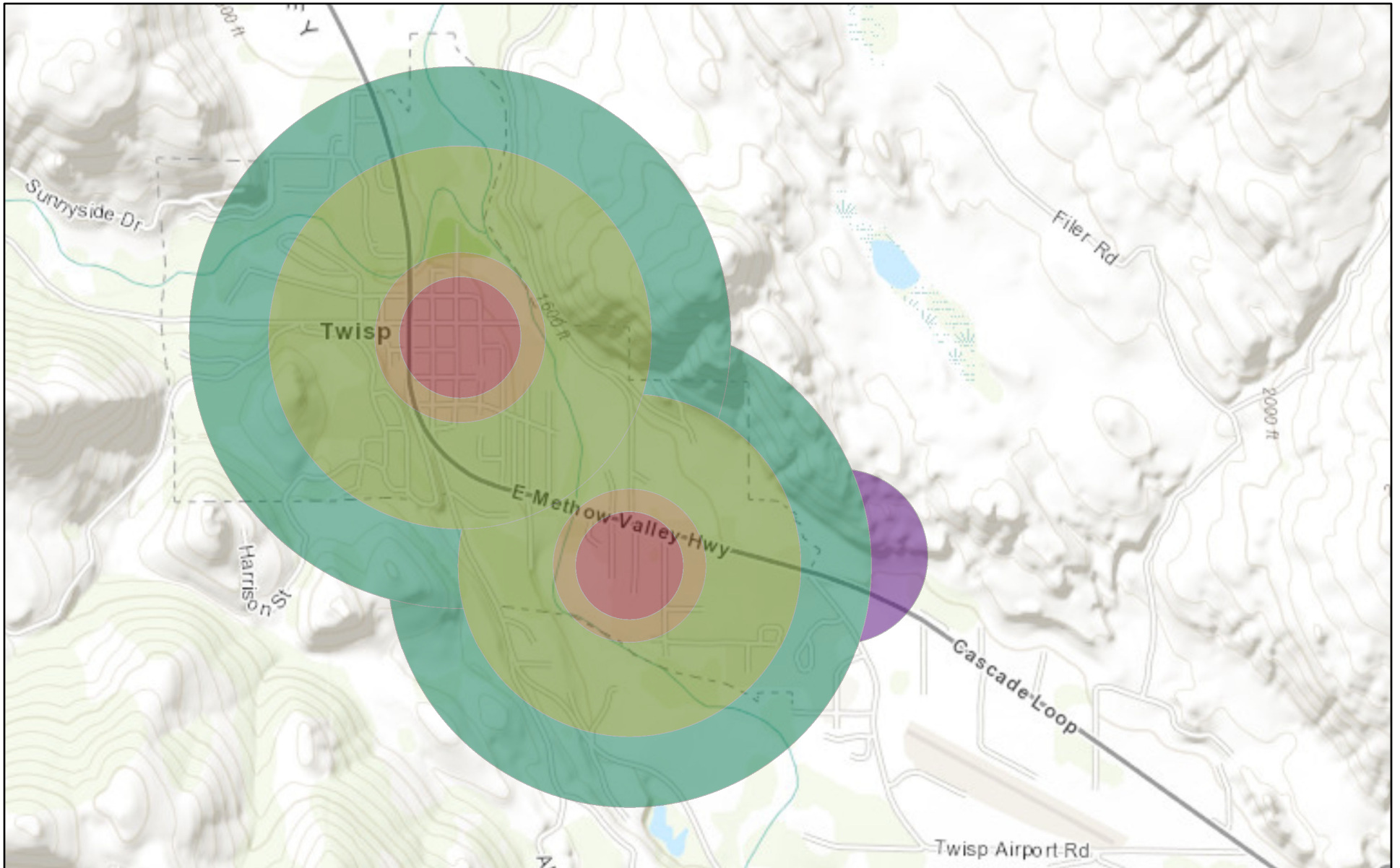
- AP
- C1
- C2
- C3
- CR
- I
- LSO
- PU
- R1
- R2
- R3
- PDA Overlay



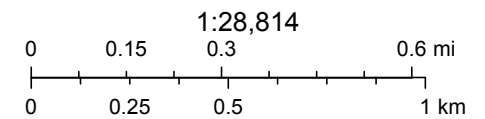
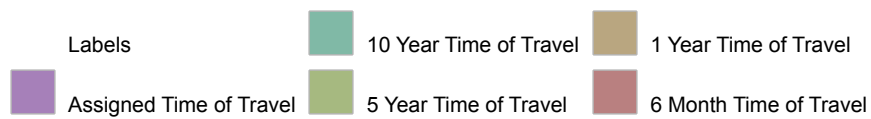
Revised by Highlands Associates
May 17, 2013



Comp Plan Map CA-1



March 3, 2020






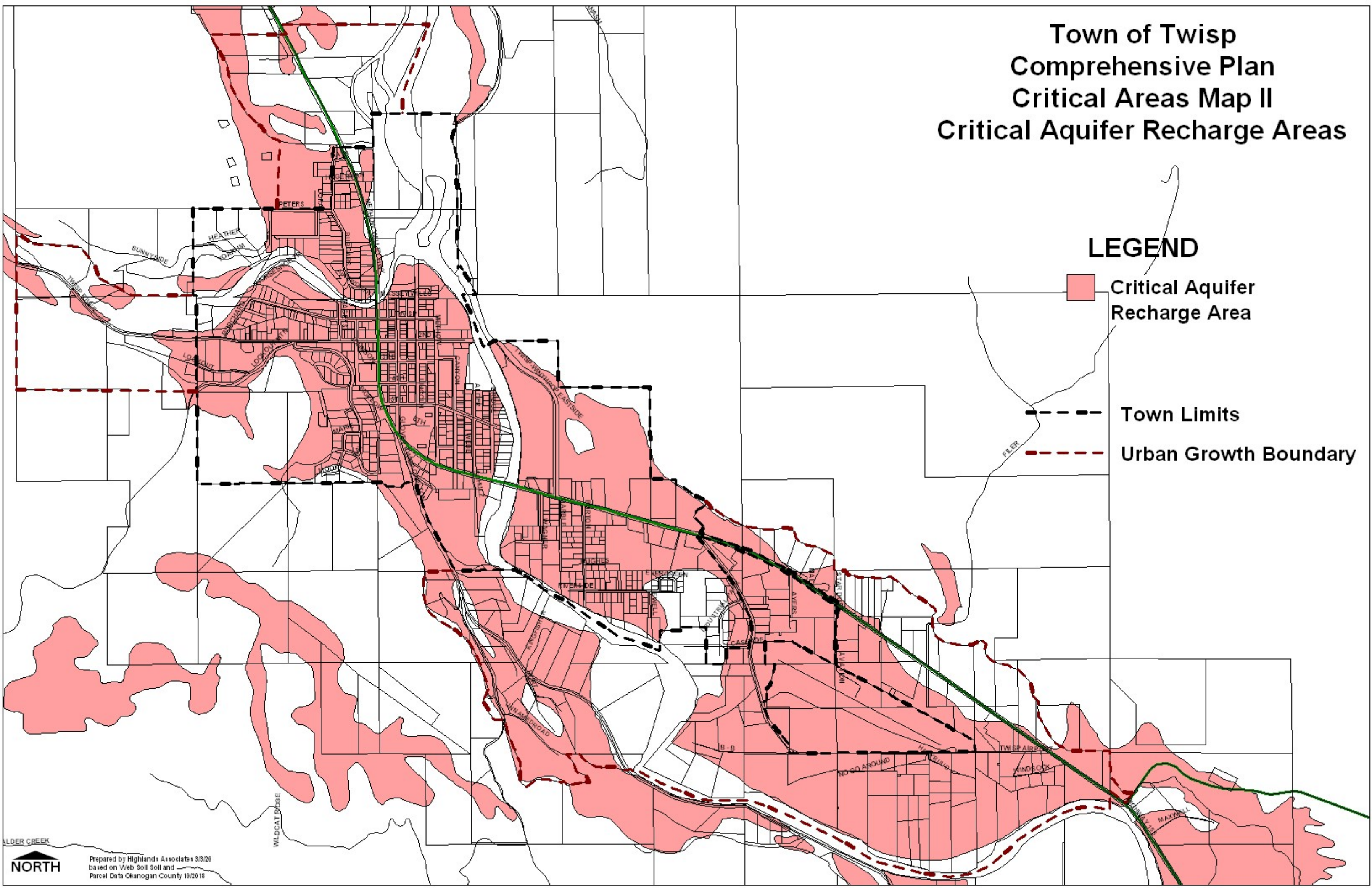
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

The DOH does not warrant the accuracy of any information published on this map.

Town of Twisp Comprehensive Plan Critical Areas Map II Critical Aquifer Recharge Areas

LEGEND

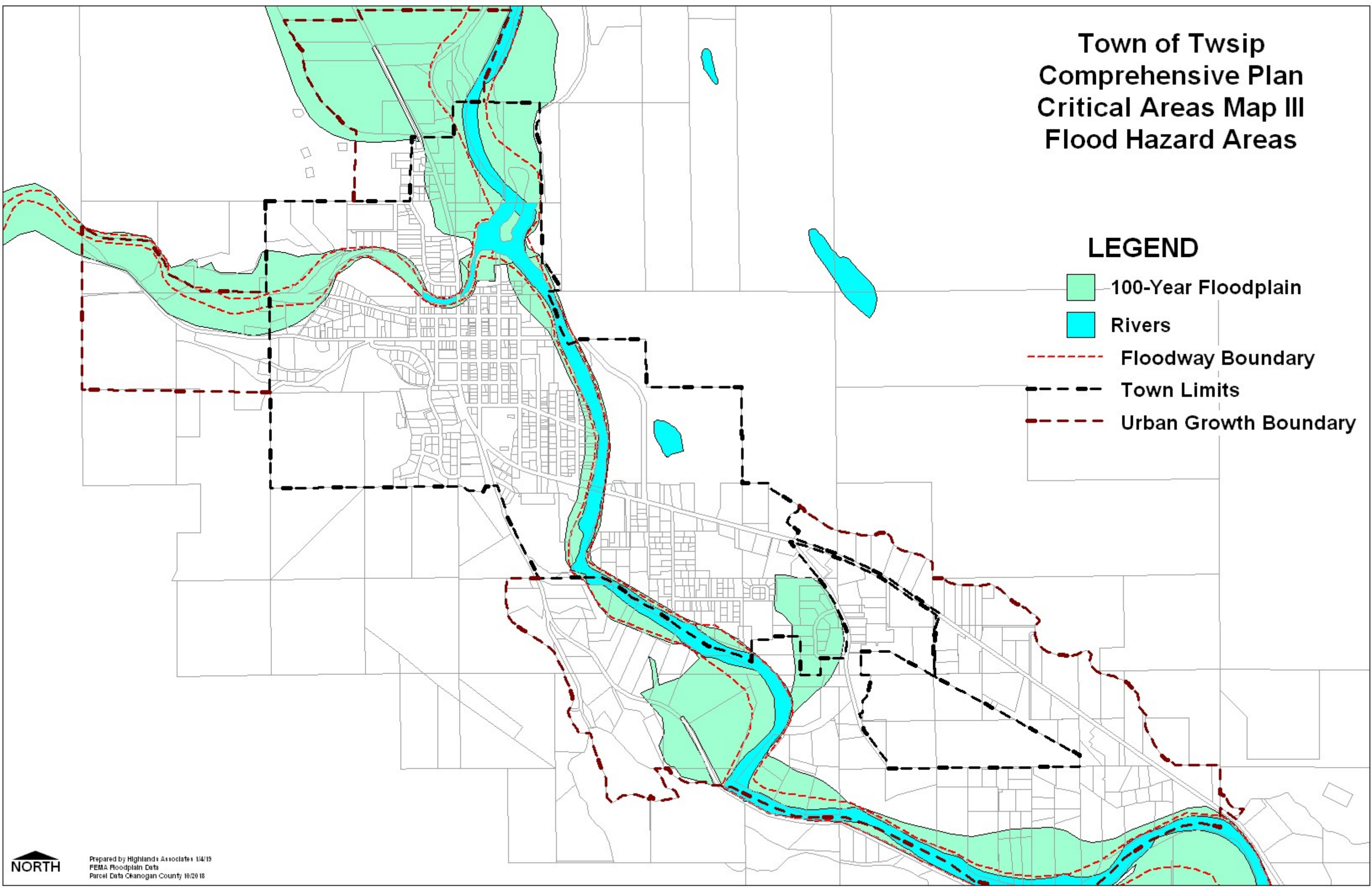
-  Critical Aquifer Recharge Area
-  Town Limits
-  Urban Growth Boundary



Town of Twisp
Comprehensive Plan
Critical Areas Map III
Flood Hazard Areas

LEGEND

- 100-Year Floodplain
- Rivers
- Floodway Boundary
- Town Limits
- Urban Growth Boundary

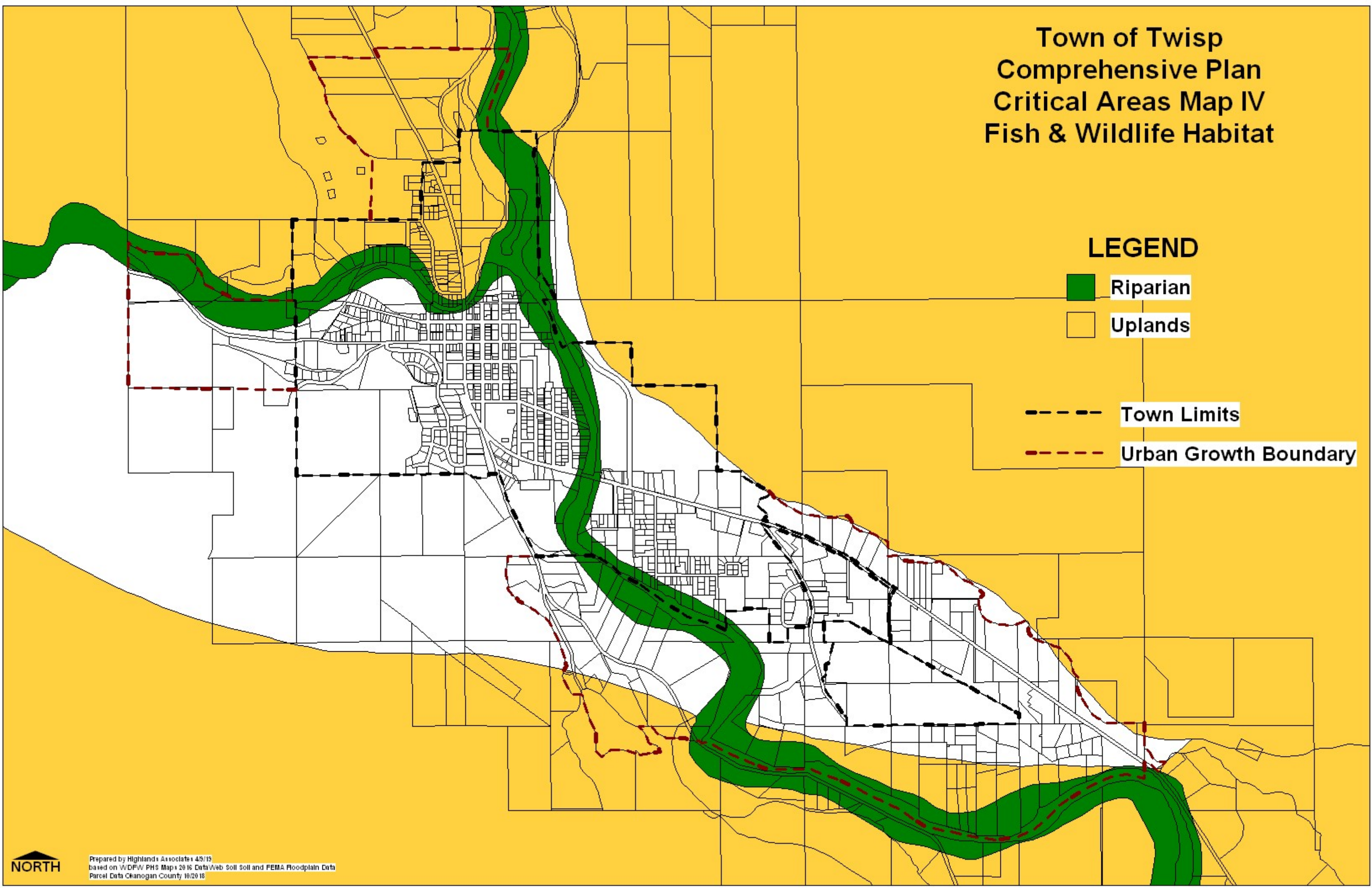


Town of Twisp
Comprehensive Plan
Critical Areas Map IV
Fish & Wildlife Habitat

LEGEND

- Riparian
- Uplands

- Town Limits
- Urban Growth Boundary

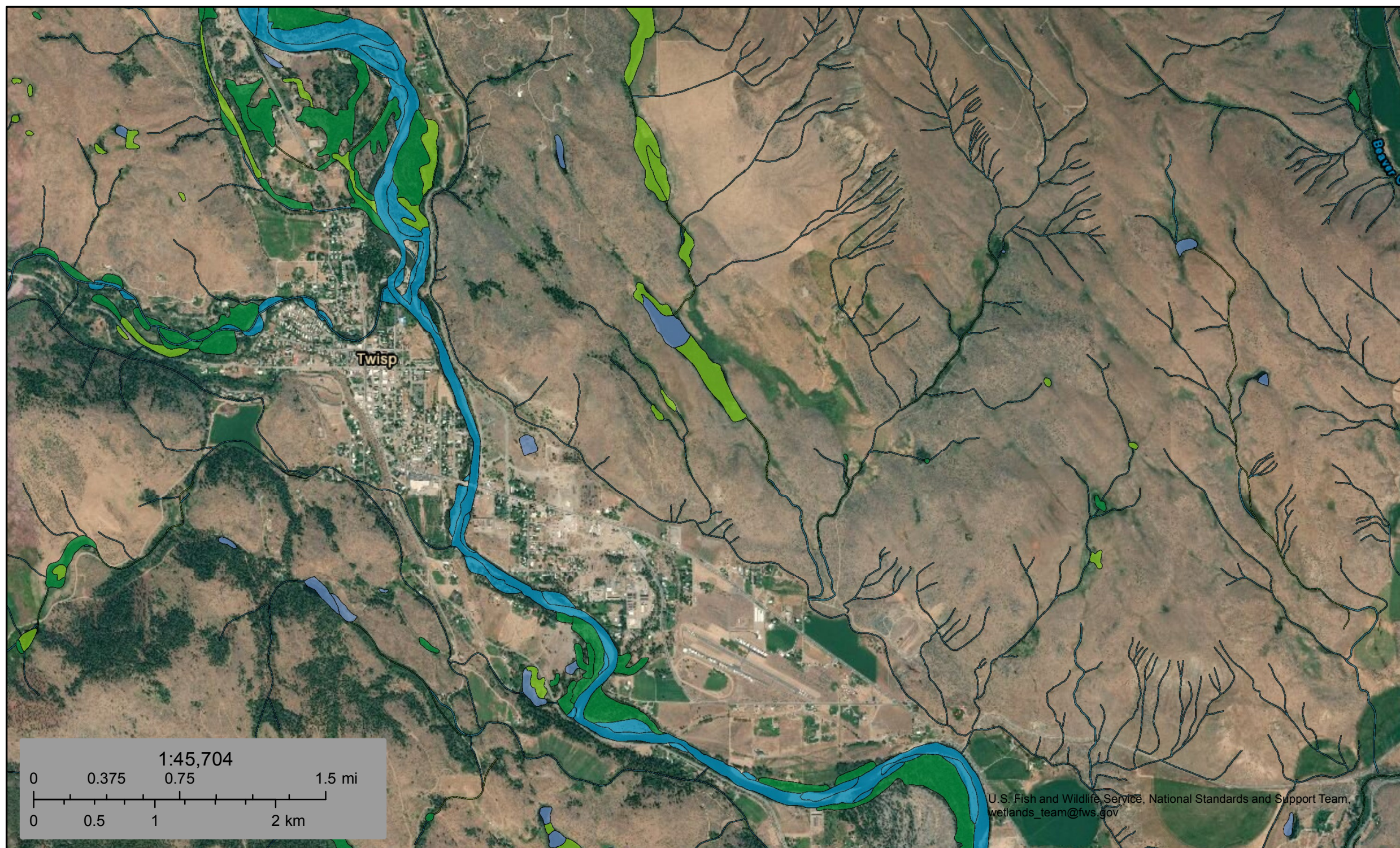




U.S. Fish and Wildlife Service


National Wetlands Inventory

Twisp NWI Map



April 9, 2019

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

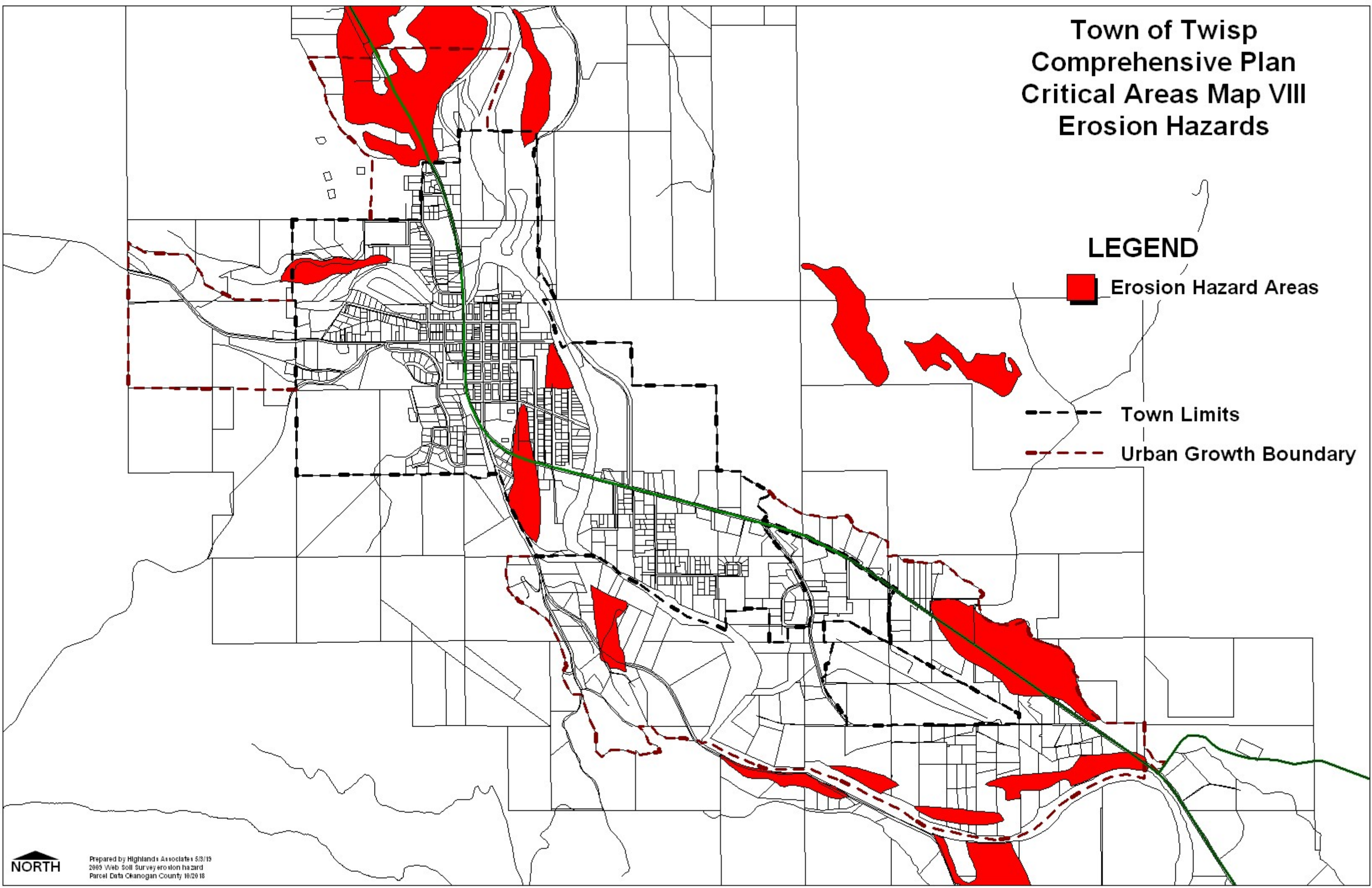
Town of Twisp Comprehensive Plan Critical Areas Map VIII Erosion Hazards

LEGEND

 Erosion Hazard Areas

 Town Limits

 Urban Growth Boundary



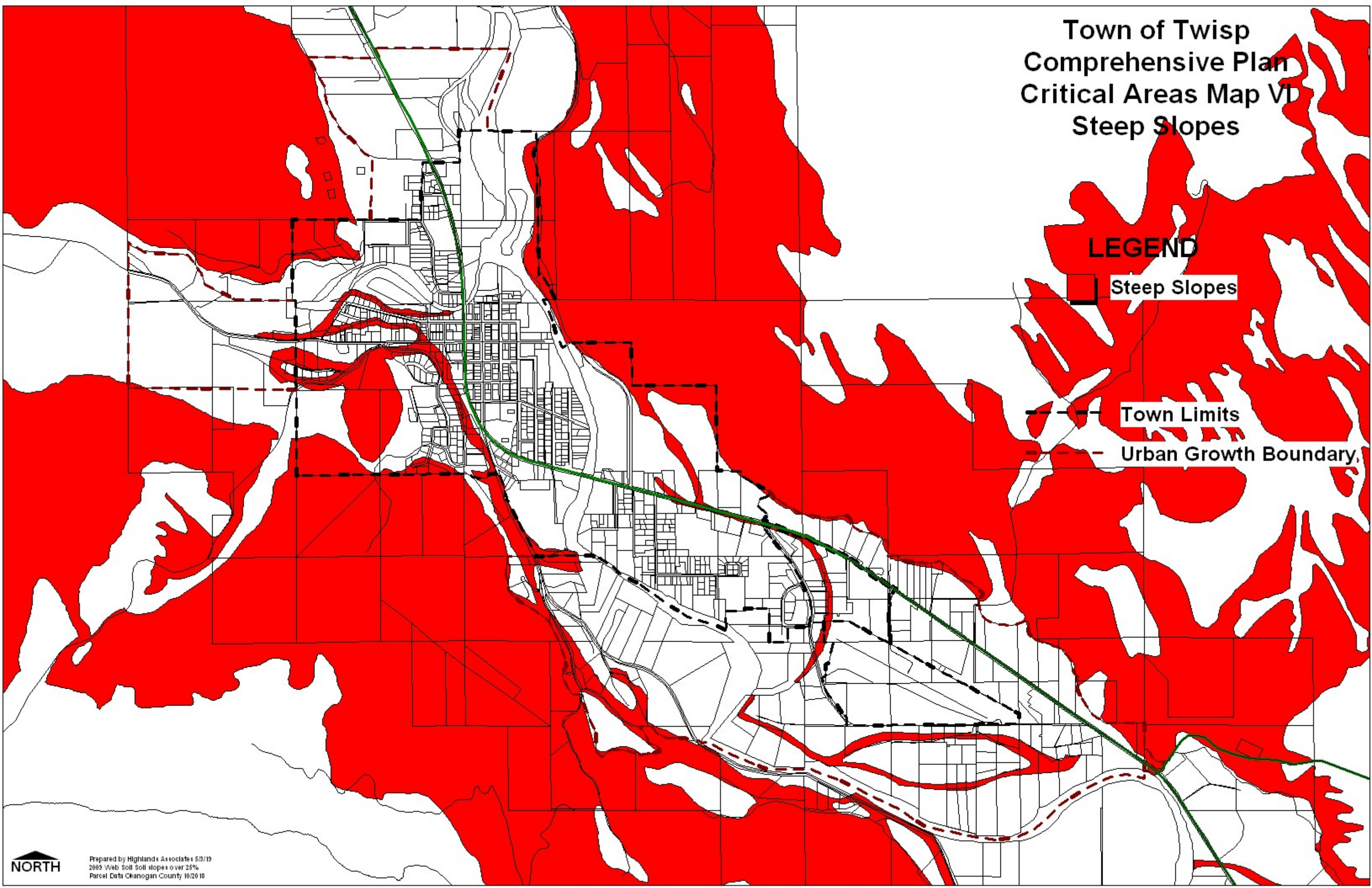
Town of Twisp Comprehensive Plan Critical Areas Map VI Steep Slopes

LEGEND

 Steep Slopes

 Town Limits

 Urban Growth Boundary



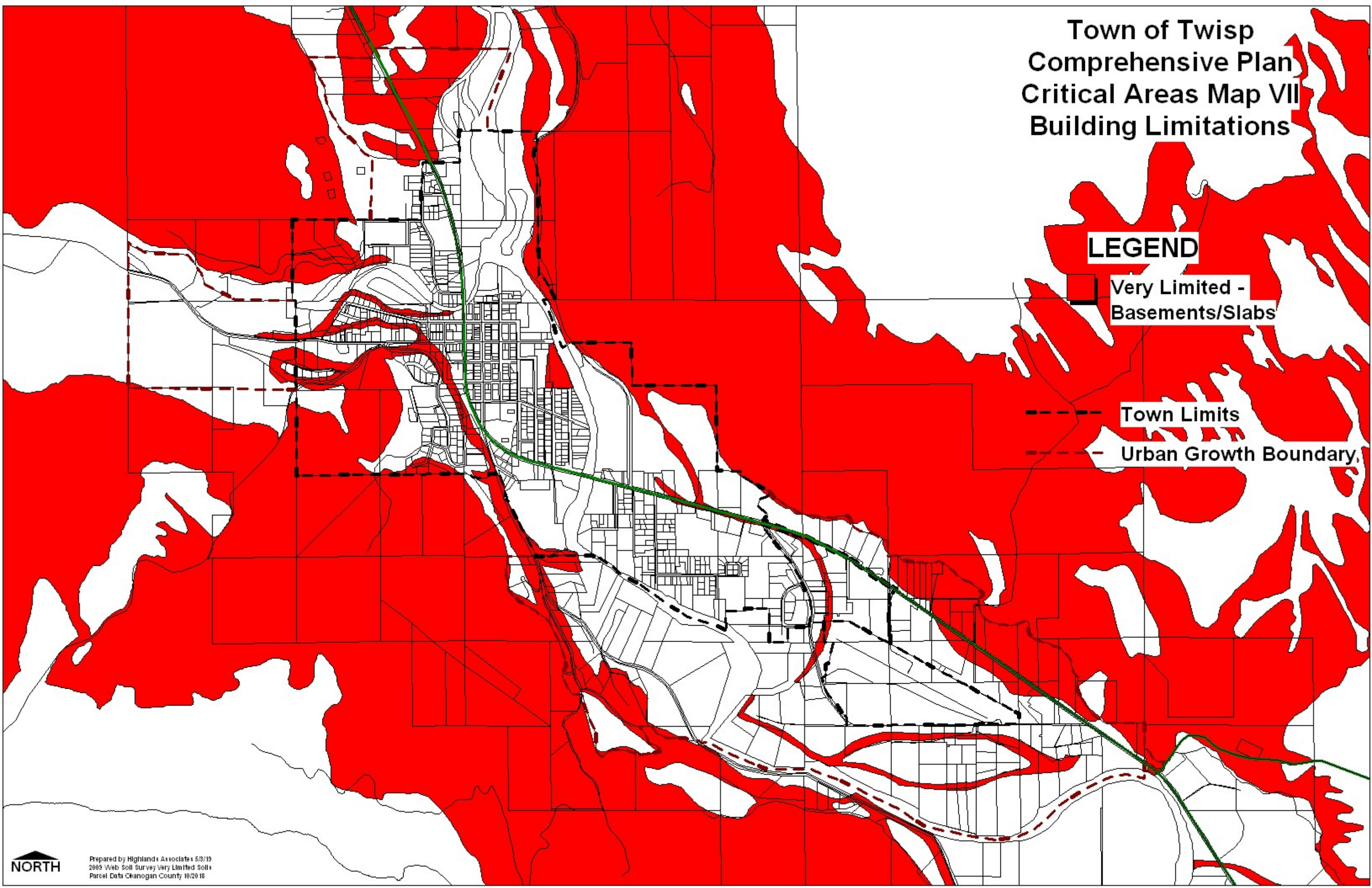
Town of Twisp Comprehensive Plan Critical Areas Map VII Building Limitations

LEGEND

 Very Limited -
Basements/Slabs




 Town Limits

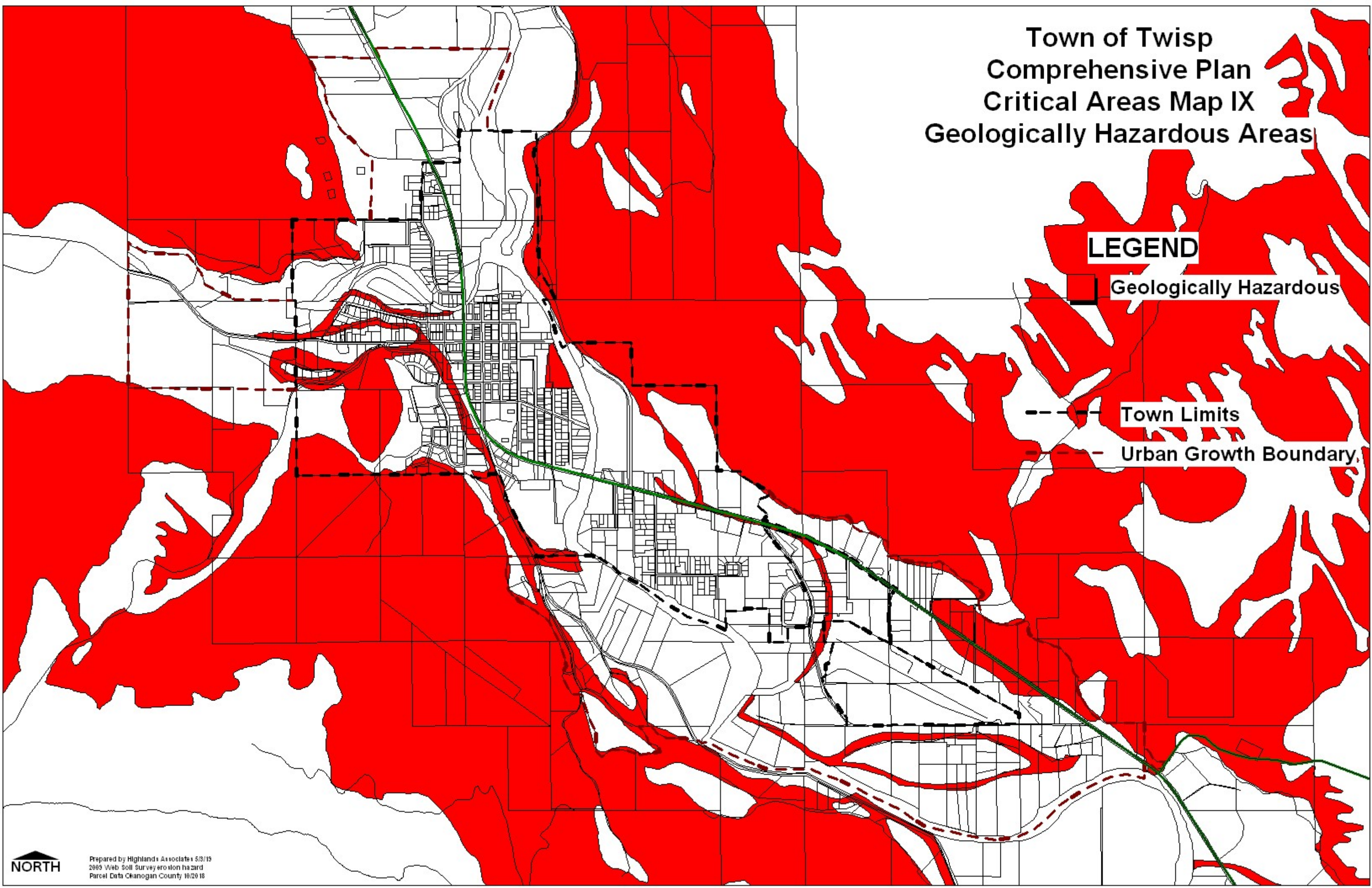
 Urban Growth Boundary.



Town of Twisp Comprehensive Plan Critical Areas Map IX Geologically Hazardous Areas

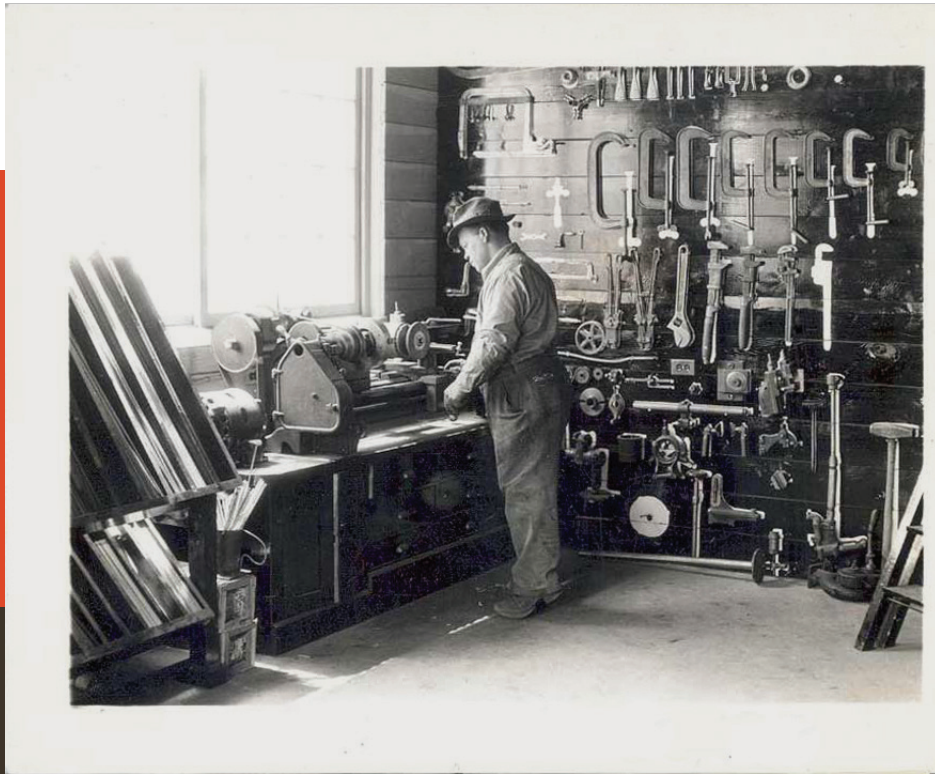
LEGEND

-  Geologically Hazardous
-  Town Limits
-  Urban Growth Boundary



Start. Build. Grow. Together.

TWISPPWORKS



June 2023

Master Plan

Cover photo: Mr. Christianson works at the lathe (and dreams big!) in a workshop at the Twisp USFS ranger station. Today, the space he's in is part of the amazing community space we call TwispWorks.



TwispWorks

502 S Glover St. • PO Box 264 • Twisp, WA 98856

info@twispworks.org • www.twispworks.org

Photos include images by Bill Gaylord, Tori Karpenko, Stephen Mitchell, and others.



Land Acknowledgement

TwispWorks wishes to acknowledge that we, as an organization and as individuals, exist on the traditional land of the Methow and Colville Confederated Tribes past and present and honor with gratitude the land itself and the people who have stewarded it throughout the generations. This calls us to commit to learning how to be better stewards of the land we inhabit.

Special Appreciation

The board and staff of TwispWorks gratefully acknowledge Margo Aspholm, Serious Fun Architecture Studio, Jim Salter of Blackcap Builders Collective, and Tom Robinson in the 2023 master planning process.

We also offer our deep appreciation to the countless people who have contributed countless hours to the development of TwispWorks, especially those who formerly served as staff, board, or advisory council members of TwispWorks or the Twisp PDA.

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Table of Contents

Introduction	7
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Implementation of the Original Vision: The First 13 Years	9
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Continuing the Vision: The Next 10 Years	13
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Why It All Matters	17
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Appendix: Campus Timeline	20
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Introduction

In July 2009, the U.S. Forest Service conveyed the land and buildings of the former Twisp Ranger Station to the Twisp Public Development Authority. Many considered this the “opportunity of a lifetime” for both Twisp and the larger Methow Valley community to define an economic future that energizes and sustains our community while contributing to a broader regional and national marketplace.

It was also an opportunity for deep community engagement and listening. To start, a Citizens Task Force, created by the Town of Twisp in 2007, gathered substantial input and commissioned a feasibility study which laid the foundation for acquisition of the property by the Twisp PDA. Then, a community survey, a “Hopes and Dreams” weekend event, “Mission to Program” teams that met over several months, and a community Design Charette were components of the original master planning process.

At the time the original master plan was written, our community had envisioned “a place where people of all ages and backgrounds can assemble to learn, create, innovate, and play—a campus open to all.” We also expected that the renovation of campus, alongside new programs and enhanced tourism, would produce tangible economic benefits for our local community.

Today, we have achieved many of these goals. We estimate that construction alone brought more than \$10.5 million into our community. More than 50,000 square feet have been

renovated, and the campus is fully occupied. Over 30 campus partners make their home at TwispWorks; they include two schools, the local radio station and newspaper, nonprofits, artists, and small businesses. More than 100 people make their living on campus.

Campus Vision

Thirteen years into the project of TwispWorks, our vision for campus remains much the same: to create a welcoming physical place that contributes to a Methow Valley economy rooted in livability. When we reflect on the meaning of “livability,” we know we must incorporate education, the arts, local agriculture, environmental sustainability, and equity in our work, as these are ideals that our community consistently ranks as top values.

Master Plan Objectives

As we reflect on our past achievements and consider the continued development of our physical campus, this Master Plan is a helpful guide. It provides clear direction for the coming ten years and is most specific in describing activities for the next three years.





Implementation of the Original Vision: The First 13 Years

Campus

The original master plan, written in 2010, stated a campus vision of “a campus, a community gathering place, and a vital economic zone combined.” To achieve that vision, capital development during the first thirteen years focused on:

1. Re-purposing existing buildings for year-round occupancy
2. Transitioning the campus from a vehicle-dominant layout to a pedestrian-friendly gathering place
3. Adding new buildings which contribute to rental and earned income

Over 50,000 square feet of campus have been renovated. With hard work and dedication, a high percentage of building materials that were once milled locally have been re-purposed throughout campus. TwispWorks' existing build-

ings are now home to over 30 campus partners, including small manufacturers, nonprofit organizations, artists, essential businesses, and schools serving students from early childhood education to college. Campus operates at full occupancy, and more than 100 people make their living on campus, equaling or surpassing the number of staff at the US Forest Service complex.

Significant intention was given to a pedestrian friendly layout, including the preservation and enhancement of green space. An early effort by Methow Natives and the Methow Valley In-





terpretive Center resulted in the creation of the largest Native Plant demonstration garden in north-central Washington, and campus now includes a new Community Plaza and Performing Arts Pavilion at the center of campus, as well as a popular picnic area across from the Gateway Building. Campus is required to maintain 33% open space and currently has 63% open space.

Several new buildings have also been added to campus as needed. These include a shop used exclusively for TwispWorks campus development and maintenance and the Pavilion described in the following paragraph. In addition, new buildings have been constructed for Old Schoolhouse Brewery. The original building where their taproom and brewing facilities now stand was too small and would not have allowed for the installation of necessary underground tanks. A warehouse was also completed in early 2023 that allows more storage and business efficiencies for the brewery.

An additional goal in the original conceptual design of campus was to have "a central space or activity... [in the form of] either exterior spaces or a 'hub' building... organizing the site around a central green bordered by primary program functions." The installation of the Community Plaza and Performing Arts Pavilion achieved the goal of a central space, and as one can see from the maps below, campus is generally organized by our focus areas of arts, education, and entrepreneurship.

Programs

As work on the physical campus gained traction, we also began offering several community programs that align with our mission. A variety of programs were piloted and evaluated. Today the programs that have proven long lasting and effective are:

1. Business support programs such as Methow Investment Network, an investment program connecting local investors with local entrepreneurs and Methow Made and Methow Valley Goods, marketing and retail programs that support local makers, ranging from artists to food producers
2. Campus Events – Mistletoe Madness, art walks, live music, classes, workshops, and more
3. Advocacy and thought leadership in community conversations regarding healthy economy, housing, climate, the arts, etc.

In addition, we have made significant investments in several "anchor tenant collaborations," including eqpd, Old Schoolhouse Brewery,





The original master plan map created in August 2010.

Methow Valley School District, and Little Star School. While the short-term benefactors of these significant construction projects have been individual businesses or schools, the long-term impact for our community as a whole has been significant. For example, our collaboration with Old Schoolhouse Brewery has helped them grow rapidly, expanding from one location to three and, during COVID, pivoting from kegs to canned products. In just the last few years, Old Schoolhouse Brewery has added up to 25 new jobs to the Valley. Today they are one of the largest private employers in the Valley.

Impact

With the support of state and federal grants, family foundations, and individual donors, TwispWorks invested an estimated \$3.5 million in campus revitalization. Throughout every capital project, hiring local contractors was a priority. As such, an estimated \$10.5 million was returned to the local economy.

Our programs have also had an important impact in the community. For example, Methow Made supports over 70 local makers with exposure to customers who love the Methow Valley and want to support our local economy. The Methow Investment Network has facilitated the investment of \$1.7 million in 21 local businesses such as 509 Automotive, Cascade Pipe & Feed Supply, The Little Dipper, and North Cascades Mountain Hostel. Campus events bring thousands of visitors to Twisp every year and provide meaningful arts experiences to local residents. One advocacy effort that stands out was our leadership in the successful effort to keep the North Cascade Smokejumper Base, and its living wage jobs, in Winthrop when it was at risk of being relocated to other areas of the state.

TwispWorks also completed and published *A Comprehensive Economic Study of the Methow Valley*, an 18-month economic study that provides an in-depth understanding of the Methow Valley's economy. The study addresses questions relating to tourism, vacation homes, residential building and other major industries, as well as economic disparity and resident attitudes on change and the future. The document has become a helpful guide to TwispWorks and our community as we grapple with a housing crisis, economic disparity, and climate change. 2023 Campus Partners



2023 Campus Partners

Building A

TwispWorks Offices
Shivelight Studio
Alchemy on Demand
Blackcap Builders Collective
Intrinsic Design
Masha Falkov
Maud and Marc Daudon

Building B

Methow Valley Interpretive Center
Confederated Tribes of the Colville Reservation

Building C

Methow Natives
Methow Valley Seed Collective

Building D

Rental Home
Buildings E, I, and J
Independent Learning Center

Building F

TwispWorks Shop

Building G

Little Star School

Building H

D*Signs Custom Signs

Building K

eqpd gear

Building L

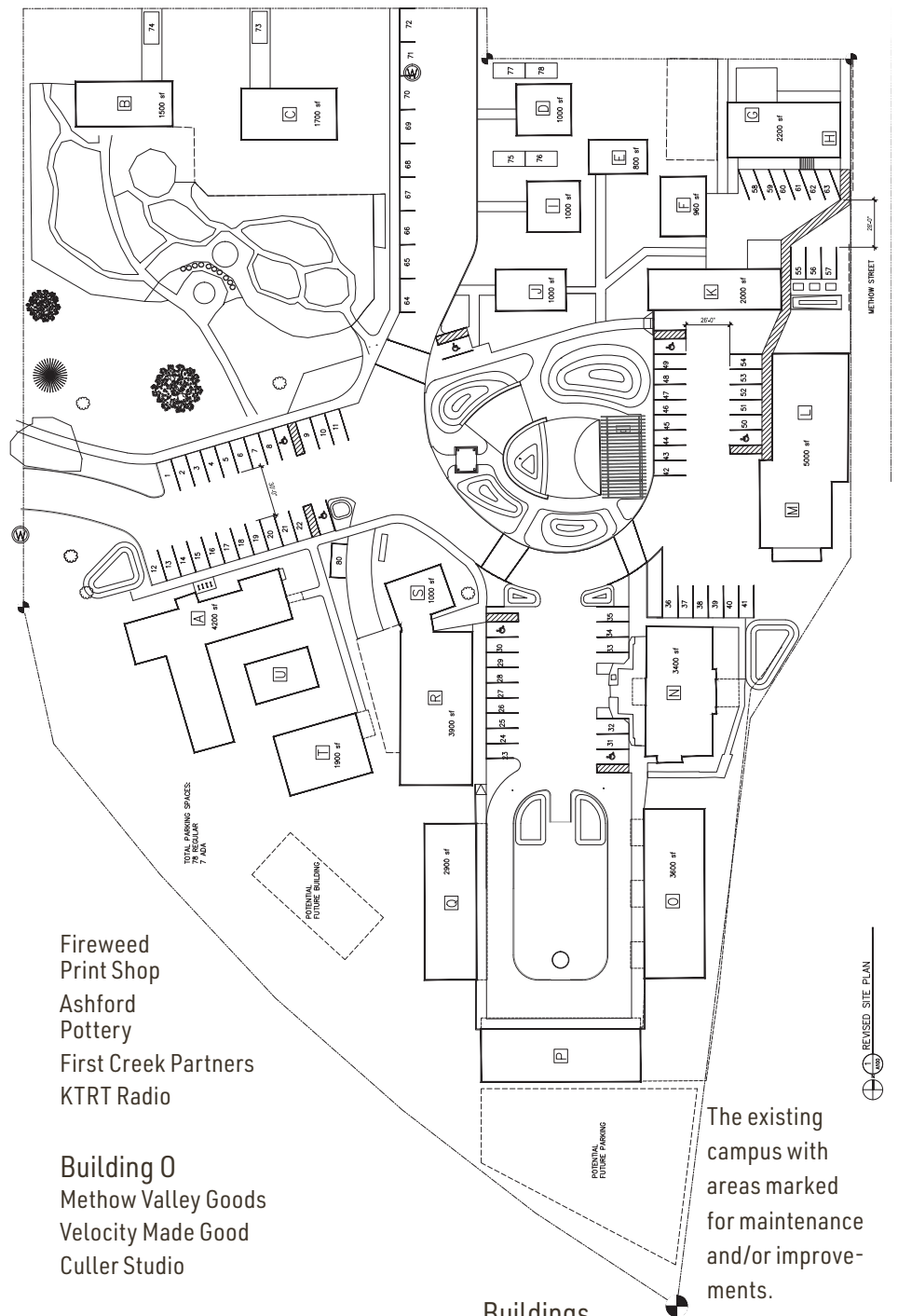
Methow Valley School District's Metal Shop
Public Restrooms

Building M

Methow Valley School District's Auto Technology Shop (currently under construction)

Building N

Methow Valley Jewelers Collective
Your Space



Fireweed Print Shop
Ashford Pottery
First Creek Partners
KTRT Radio

Building O

Methow Valley Goods
Velocity Made Good
Culler Studio

Building P

Peter Nawrot Woodworking
Methow Metalworks
Nice Nests / BarnFunk
Heroncraft

Building Q

Hannah Viano
Foxtail Pottery
Bristle and Stick
Serious Fun Studio
TwispEats

Buildings R, S, and U

Old Schoolhouse
Brewery and Taproom

Building T

Methow Valley News
Western Washington University College of the Environment & Sustainability
Engagement Institute

Outdoors

FORK Food Truck

Continuing the Vision: The Next 10 Years

General Vision

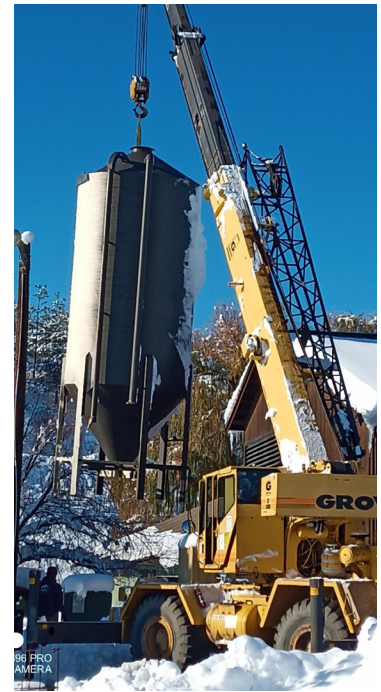
The general vision for campus remains much the same. Our goal now is to maintain and improve what has been successfully developed as “a campus, a community gathering place, and a vital economic zone combined.” We plan to use this master plan as a guiding document for the next ten years; it is most specific in describing activities for the next three years.

Looking to the future, we will continue to engage the local community by effectively disseminating information about plans for development, holding public comment sessions, and

responding to questions. In so doing, we hope to continue creating a place and programs that represent the best of what the Methow envisions for itself. Twispworks will also continue to collaborate, promote mutual support, and assist campus partners, nonprofit organizations, businesses, schools, and community members.

Our programs create a positive impact in our community, and we plan to continue established programs like Methow Made and the Methow Investment Network. In addition, TwispWorks anticipates developing new programs that respond to community needs in our areas of





interest: arts, education, and entrepreneurship.

As we maintain and improve campus, we plan to take full advantage of existing facilities. For reasons of safety and energy efficiency, we also recognize the need to replace some buildings with new ones. As we plan for and complete these project, we commit to supporting the economic and cultural vitality of TwispWorks, Twisp, and the Methow Valley as a whole.

Our plans for the TwispWorks campus are conceptual in nature and will be revisited as new projects are developed; we expect that there will be adjustments to the overall Master Plan. We will publicly share our plans as they continue to develop.

Assumptions for Development

- The intended outcome of continued development on campus is to provide economic benefit to the Methow Valley community as a whole
- Future development on campus will be driven by programmatic and community needs
- Safety and visitor experience on campus are critically important and will continue to see improvements
- TwispWorks commits to engaging the community in our planning processes



- Twispworks will continue to collaborate with campus partners, nonprofit organizations, businesses, schools, and community members in the Methow Valley
- TwispWorks will continue established programs and develop new community programs
- Site development will take advantage of existing facilities. However, some new construction will likely be required for safety and efficiency reasons.
- Architectural, design, construction, and other specialized services will be sought locally and regionally
- TwispWorks will pursue high standards of sustainability



- Design and development will respect green space, open space, and community character

Phase 1: Completion of current projects + deferred maintenance (2022 – 2025)

Building projects in 2022 focused on enhancing the programs of the Methow Valley School District and the business capacity of Old Schoolhouse Brewery and eqpd. All three tenants expanded their footprints on campus after successful early operations.

Development plans for 2023 include the construction of a new automotive technology facility for use by the Methow Valley School District, and through partnership with a regional nonprofit, expansion from one electric vehicle charging station to five. In 2024, TwispWorks plans to pave approximately 9,500 square feet of the northeast corner of campus, which surrounds the career and technical education facilities (welding and automotive technology), as well as Little Star School. This project will

reduce dust for our neighbors and partners in that area of campus, improve traffic controls, and allow for better dumpster maintenance. With these projects completed, campus will be approximately 58% open space.

Several significant maintenance projects have been deferred. For example, the Bernard Hosey Founders Building is in need of new siding and our solar installation needs to be modernized. In the next three years, we will prioritize a range of deferred maintenance projects.

Phase 2: New development (2025 – 2033)

Future development on campus will be driven by programmatic and community needs. Any new construction will be carefully integrated into remaining open spaces. Possibilities for Phase 2 include expanding available parking, improving ease-of-access for pedestrians, and replacing select buildings with program specific facilities.



Why It All Matters

Like many rural areas in the west, the Methow Valley contends with a complex set of challenges. A housing shortage is reaching crisis levels. There is a dearth of living wage jobs, and at the same time the jobs that do exist go unfilled because of the shortage of housing. Young people who grow up in the Valley feel forced to leave by the lack of housing and good jobs—leading to an exodus of youth talent. Scarce and expensive childcare means that many parents cannot afford to work.

Former TwispWorks Program Director Julie Tate-Libby, PhD, completed a two-year research project that culminated in the publication of *A Comprehensive Economic Study of the Methow Valley* in early 2022. Findings include that:

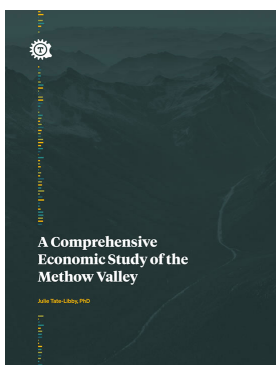
- Nearly 40 percent of the [local] population is over 60 years old
- Nearly 60 percent of working families make less than \$55,000 a year... [while] the majority of remote workers made between

\$200,000–\$250,000 per year

- Nearly 30 percent of the jobs in the Methow lie in retail or recreation services

These findings underscore a need for change. Luckily, our community has taken a proactive, collaborative, and inclusive approach to tackling these challenges.

There are three areas we see TwispWorks making a unique impact as our community tackles these challenges together.



First, there is the very tangible financial impact of completing significant construction projects on campus. In the next three years alone, we estimate that we'll invest \$2 million dollars in capital projects.

Our vision of "a Methow economy rooted in livability" calls us to imagine a Methow Valley that is both economically and culturally vibrant. Economically, the Methow Valley was at one time heavily dependent on farming, ranching,





and forestry. As those industries became less viable, the economy transitioned to one heavily dependent on tourism, hospitality, and services. More recently, small business and entrepreneurship have emerged as viable means of economic development.

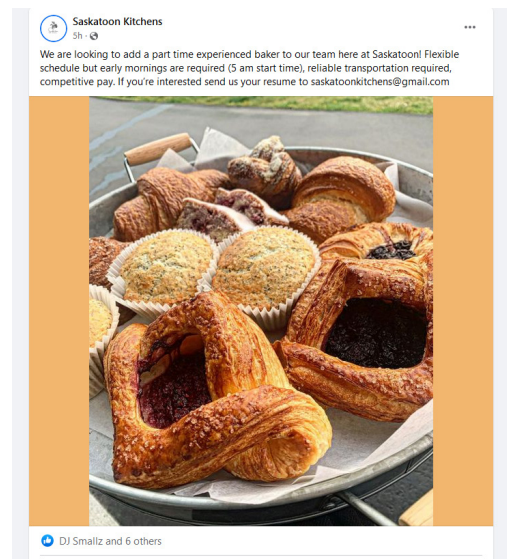
Our campus and programs will also contribute to local economic vitality by creating a physical place for businesses to start, build, and grow. In addition, our business support programs foster an entrepreneurial ecosystem in the Valley, giving many businesses the necessary "Yes, you can!" to get started and grow.

Finally, we also recognize that jobs alone do not make a place "livable." We are also committed to the cultural vitality of the Methow Valley.

Because of TwispWorks, in the next ten years, our community will have safer community gathering spaces. In addition, our cultural programs will create greater access to the arts as well as increased economic opportunities for local artists.



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July 12 at 9:48 AM · Winthrop, WA ·
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#bookstore #bookaholic #reader #indiesfirst #pnw #bookpost #winthropwa #methowvalley
#shoplocal #independentbookstore #bookmerdigans #supportsmallbusinesses





Appendix: Campus Timeline

Summary

The TwispWorks campus was originally owned by the U.S. Forest Service. In the 1930s the Forest Service developed a Ranger Station comprising of 17 buildings on 6.4 acres. Over the next 90 years hundreds of people worked on campus and had a hand in the preservation and management of thousands of acres of forest.

In 1994, the Forest Service consolidated its Methow Valley operations to a single Ranger Station in Winthrop. Their Twisp station was then left empty for nearly a decade. In 2008, the property went up for auction and the local community recognized an opportunity to revitalize the campus and create a place for creative enterprise bringing arts, culture, and business together to increase the economic vitality of the Methow Valley. The Town of Twisp chartered the Twisp Public Development Authority (PDA) to take possession of the site. A generous seed funder stepped forward with the one-million-dollar minimum bid needed to help the community acquire the campus at auction, and a small but mighty staff, alongside hundreds of volunteers, took on the work of renovating campus spaces for the use of students, artists, and entrepreneurs.

In 2019, coinciding with its 10-year anniversary, the TwispWorks campus achieved full occupancy and became self-sustaining through rental and earned income. This achievement meant the anonymous donors who purchased the property handed over the deed to the campus to TwispWorks, ensuring we would continue to serve the needs of the community for years to come.

Timeline

1929

The U.S. Forest Service purchased a 6.4-acre campus in Twisp, WA.

1932-1939

The US Forest Service established the Twisp Ranger Station at 502 South Glover Street comprising 17 buildings on 6.4-acres. During the Great Depression, the Civilian Conservation Corp (CCC) established several camps in the Methow Valley. Hundreds of unemployed, unmarried men in the CCC fought fires and built campgrounds, bridges, and roads in the forests. At the Twisp complex, the CCC built the residences on Lincoln Street, the Bunkhouse, the Gray Shed, and the Shop, and the North and South Warehouses.

1939

The Twisp Complex was the base for the first "live jump" firefighting experiments, marking the birth of smokejumping. The operation moved to the North Cascades Smokejumper base in 1940, where you can visit today.

1941

The Wagner Mill opened in Twisp in 1941. At its peak, the mill employed around 400 people. The mill closed in 1985 after changing hands twice since the Wagner family owned it.

1950s

Employees working from the Twisp Complex built trails and lookouts, watched for fires, monitored timber sales and grazing in the Twisp

Ranger District, and maintained roads in the forest.

1980s

The Youth Conservation Corps brought young people from around the country to fight fires and work on projects around the Methow Valley. Forest Service employees helped educate local children about wildfires with the Smokey the Bear program.

1994

The Forest Service consolidated its Methow Valley operations to a single Ranger Station in Winthrop. Their Twisp station was then left empty for nearly a decade.

2007

A Citizens Task Force, created by the Town of Twisp in 2007, gathered substantial input and commissioned a Feasibility Study which laid the foundation for acquisition of TwispWorks.

2008

The property went up for auction and the local community recognized an opportunity to revitalize the campus and create a place for creative enterprise bringing arts, culture, and business together to increase the economic vitality of the Methow Valley. The Town of Twisp chartered the Twisp Public Development Authority (PDA) to take possession of the site. A generous seed funder stepped forward with a one-million-dollar loan to help the community buy the campus.

2009

Twisp PDA acquires the former US Forest Ser-

vice Ranger Station in Twisp; the Twisp PDA was chartered by the Town of Twisp with acquiring, redeveloping, restoring, and managing this very special property at the heart of the Methow Valley. Community volunteers worked to create a 10-year master plan to revitalize the neglected site and to create a place where people and ideas can come together, and arts and culture can thrive. In pursuit of that mission, the Twisp PDA engaged hundreds of people from all walks of life to share ideas about the revitalization of the TwispWorks campus.

2009 - 2010

Throughout the fall and winter of 2009-2010, the PDA engaged in a public input process intended to distill the thoughts, concerns, and desires of the community into tangible recommendations for the development of programs and partnerships. A community survey, a "Hopes and Dreams" weekend event, "Mission to Program" teams that met over several months, and a community design charrette were components of the process. The focus was on getting buildings and outdoor spaces into usable condition.

2011

The Methow Valley Interpretive Center became the first partner to move to TwispWorks. The South Warehouse was also rehabilitated, bringing several working artist studios to campus.

2012

A native plant garden was created that today is the largest native plant garden in Central and Eastern Washington. The Methow Made program was created to help local producers mar-

ket and sell their goods. The former 'Road Shop' was rehabilitated, creating space for a high school Welding Tech program. This program evolved into a Careers in Construction Academy, providing vocational training in a variety of construction-related trades for teens.

2013

The South Bay was renovated, bringing more artists and craftspeople to campus. The Gray Shed was updated and became the home of eqpd, a design and manufacturing studio. The Gateway building became TwispWorks' headquarters and additional office space was created, welcoming professional services and small businesses to campus.

2014

The Twisp PDA transferred management of the property to the TwispWorks Foundation. The following year, TwispWorks unveiled its most significant revitalization project to date—the opening of the Bernard Hosey Founders Building, named in honor of local artist and TwispWorks supporter, Bernard Hosey, whose metal sculptures can still be seen on campus. More artists, the radio station, KTRT, and the Education Station moved in. TwispWorks built an outdoor kiosk to welcome people to campus and serve as the entry point of the TwispWorks Community Plaza.

2016

The Gray Shed was expanded, creating an additional 1,000 square feet of space to support the expansion of the manufacturing capabilities of eqpd. That same year, work on the TwispWorks Community Plaza began in earnest. The 14,000 square foot Plaza included a splash pad for kids,

a bike repair station, drought tolerant landscaping, pathways and spaces for people to connect and gather for arts and cultural programs, special events, and celebrations. TwispWorks also welcomed the Methow Valley School District's Independent Learning Center to campus.

2017

TwispWorks launched the Methow Investment Network connecting investors who want to see their money work in a community they love with local entrepreneurs needing capital to start or grow their business. TwispWorks also partnered with Room One and Little Star Montessori to open the Little Star South Collaborative in the newly remodeled Tree Cooler building on campus, providing support for families at all income levels with quality early childhood education and daycare. Work on the Plaza at TwispWorks was also completed this year.

2018

Construction began on the Old Schoolhouse Brewery production facility, on the site of the old northwest vehicle bay. The campus parking lot got a much-needed upgrade with new paving and pathways. Additional wayfinding and historical signage were installed throughout campus.

As work on the physical campus bore fruit, TwispWorks turned its attention to several important community advocacy issues. TwispWorks led the successful effort to keep the North Cascade Smokejumper Base, and its living wage jobs, in Winthrop when it was at risk of being relocated to other areas of the state. The organization created the Methow Valley Broadband Action Team (BAT) to address the lack of reliable broadband in the Methow Valley.

2019

Coinciding with its 10-year anniversary, TwispWorks achieved full occupancy and campus operations became self-sustaining through rental and earned income. This achievement meant the anonymous donors who purchased the property handed over the deed to the campus to TwispWorks, ensuring we would continue to serve the needs of the community for years to come.

2020

Interior renovations on 408 Lincoln were completed, allowing the Independent Learning Center to expand into a second building and to increase their enrollment. The former Ranger House and adjacent garage also received a new coat of paint. Several Independent Learning Center students who were enrolled in the Careers in Construction class remodeled the garage to serve as a pilot program for Auto Technology. Interior work on the Old Schoolhouse Brewery Taproom resumed and was completed, allowing for a new public house to welcome locals and visitors. The TwispWorks Plaza was completed with the installation of a 2,000 square foot outdoor performing arts pavilion, opening the door for numerous community events of all sizes to take place in the center of the campus.

2021

As the dream to add additional technical education tracks to the Methow Valley School District's curriculum gained momentum, TwispWorks and Serious Fun Studio, an architecture firm based on our campus, engaged three students from the Independent Learning Center. The students helped draft the existing welding

facility in CAD and explore concepts for the design of a new automotive technology facility that would share a classroom with the welding shop. The automotive technology facility is eventually envisioned as a phase two of a three-phase educational facilities expansion. The first phase is a remodel of the existing welding facilities that includes an updated classroom and new bathrooms for students as well as two public facing restrooms. Phase three will be paving the 9,800 square feet campus that surround the welding, automotive tech, and daycare facilities. A drywell was also installed in the eastern swale.

2022

In January, TwispWorks releases A Comprehensive Economic Study of the Methow Valley, an 18-month economic study that provides an in-depth understanding of the Methow Valley's economy. The study addresses questions relating to tourism, vacation homes, residential building and other major industries, as well as economic disparity and resident attitudes on change and the future. An executive summary, as well as the full study, is available at: <https://twispworks.org/programs/advocacy/>.

In late summer, phase one of the educational facilities expansion begins, which includes remodeling the classroom and construction of new bathrooms. eqpd expands into the north unit of the Road Shop, consolidating all of their operations on campus. A grain silo is installed next to the Old Schoolhouse Brewery brewing facilities and construction begins on a new warehouse for the brewery. Both projects will help the brewery consolidate operations and improve business efficiencies.

TWISPPWORKS





North Central Washington Narcotics Task Force

**Post Office Box 1314
Okanogan, WA 98840**

**(509) 422-7227
422-7226**

Telephone:

Fax: (509)

RECEIVED

AUG 30 2023

TWISP CLERKS OFFICE

August 24, 2023

Town of Twisp
PO Box 278
Twisp, WA 98856

RE: Participation Fee to the North Central Washington Narcotics Task Force

Town of Twisp:

Please consider this letter a statement for the payment of your participation fee to the North Central Washington Narcotics Task Force based on the 2024 Task Force Operational Agreement. Pursuant to that agreement, your town agrees to pay \$5,000.00 to the Task Force. Participation fees are due by January 15, 2024.

Thank you for your continued support.

Respectfully,

Jodi Meyer
Financial Coordinator

NORTH CENTRAL WASHINGTON

NARCOTICS TASK FORCE

OPERATIONAL AGREEMENT

THIS OPERATIONAL AGREEMENT is entered into pursuant to RCW 10.93 and RCW 39.34 and describes the duties and responsibilities of each jurisdiction and the operation of the North Central Washington Narcotics Task Force (NCWNTF). The participating jurisdictions are listed in Attachment A. This Agreement shall supersede all previous Task force Agreements upon its execution.

I. PROJECT DESCRIPTION

- 1.1 The North Central Washington Narcotics Task Force shall operate within the participating jurisdictions. The Task Force shall continue to be composed of personnel assigned from federal law enforcement agencies, the Washington State Patrol, law enforcement agencies within the counties, tribal law enforcement and the prosecutors' offices.
- 1.2 Each agency will participate for a period effective January 1, 2024 through the end of December 31, 2024.

II. BOARD OF DIRECTORS AND STRUCTURE OR ORGANIZATION

- 2.1 Overall governance of the NCWNTF's operations, including the setting of investigative priorities and general operating procedures as outlined in the task force grant, will be vested in a Board of Directors consisting of the chief law enforcement officer or agent from each participating

jurisdiction including state and federal and the Okanogan and Ferry County Prosecutors. The participating jurisdictions recognize that two or more jurisdictions may employ the same chief law enforcement officer or agent. In such event, the chief law enforcement officer or agent shall only cast a single vote. The chief law enforcement officer or agent is not entitled to cast a vote for each jurisdiction represented.

- 2.2 The Board or members of the Board of Directors shall have an equal vote in the conduct of its business. A quorum at a scheduled board meeting shall constitute seven votes. Each Board member may designate a subordinate to attend any particular Board meeting, which designee shall have full voting authority. When the board votes on any matter, a majority of those voting at a duly called meeting at which a quorum is present shall be required to conduct business. The Board shall have the authority to act and amend the policies and procedures which govern the actions of the Task Force.
- 2.3 The Board of Directors may assign or delegate such duties as it chooses to an Executive Committee selected from its members. The Executive Committee shall consist of three members of the Board who shall be appointed by the Chairperson.
- 2.4 The Board of Directors shall elect a chairperson from among its members to serve for one year. The Board of Directors shall meet at least four times a year. The chairman shall have the authority to call a special

meeting of the board upon at least seven days notice to each board member.

- 2.5 The Board of Directors shall designate a Task Force Commander and an Operations Support Specialist for the North Central Washington Narcotics Task Force. All persons assigned to the NCWNTF shall work under the immediate supervision and direction of the Task Force Commander. In the event that the Task Force Commander or the Operations Support Specialist is gone for an extended period of time, the Executive Board will meet to determine a temporary replacement of that position. All persons assigned to the NCWNTF shall adhere to the rules and regulations as set forth in the NCWNTF's Policy and Procedures Manual, as well as their individual departmental rules, policies and procedures.
- 2.6 Personnel assigned to or otherwise participating in activities of the NCWNTF shall be deemed to be continuing under the employment of the jurisdiction assigning said individuals, or otherwise permitting their participation, and said subject employer(s) jurisdiction(s) shall remain liable for all acts or neglect of their said employee(s) and each such employer jurisdiction further agrees to indemnify and hold harmless all of the other jurisdictions/parties to this agreement, including their officers, agents and employees from all damages of every kind and nature whatsoever that may be claimed or accrued by reason of the acts or neglect of their assigned and/or participating employee(s).

- 2.7 Employees hired directly by the NCWNTF shall be special employees of the Okanogan County Sheriff's Office and are exempt from Civil Service hiring. Guild membership is allowed to obtain the sheriff's office medical and dental benefits only – as approved by the Guild.
- 2.8 Any duly sworn peace officer, while assigned to duty with the NCWNTF as herein provided and working at the direction of the Executive Board, its chairperson, and the Task Force Commander, shall have the same powers, duties, privileges and immunities as are conferred upon him/her as a peace officer in the participating jurisdictions that employ him/her.
- 2.9 Participating agencies may withdraw from the NCWNTF by written statement of termination directed to the chairperson of the Board. Termination of an agency's participation will take place automatically thirty (30) days after receipt of such written notice or immediately upon written notification that said agency is unable to sustain the required funding.

III. CONTEMPLATED NCWNTF TASKS

- 3.1 The general priority will be to continue investigations centering on narcotics trafficking, attempting to impact the highest-level dealers and wholesalers possible. When a determination of specific priorities must be made, the Board will direct the Task Force Commander. The NCWNTF will be responsible for accomplishing the Board's objectives.

IV. NCWNTF OBJECTIVES

- 4.1 This section identifies specific targeted measures to be attained by the North Central Washington Narcotics Task Force during the program year.
- A. Continue to disrupt drug organizations within the participating jurisdictions.
 - B. Continue to gather and report intelligence data relating to illegal drug activities within the participating jurisdictions.
 - C. Continue to make arrests that will impact the highest-level dealer and wholesaler as possible.
 - D. Continue to effectively prosecute drug traffickers.
 - E. Continue to promote law enforcement cooperation through multi-agency investigations.
 - F. Continue to impact drug trafficking organizations.

V. FINANCIAL COMMITMENT

- 5.1 The agreed contribution fees of each participating jurisdiction are set out in the schedule, which is included as Attachment B. Agencies that are unable to pay all of their participation fee will be reviewed for membership on a case by case basis. Contributions will be monetary unless otherwise approved by the board. The board may impose sanctions such as ineligibility to share multi-agency forfeited assets, equipment distribution and abstaining from the voting process.

VI. BUDGET

- 6.1 The Operations Support Specialist, under the supervision of the Board Chairperson, shall be responsible for the accounting of NCWNTF expenditures.
- 6.2 Forfeited assets will stay with the NCWNTF. The distribution of multi-agency forfeited assets will be decided by the Board of Directors. Funds derived from asset forfeitures or court orders shall be held by the Task Force and used to fund its future operations. Equipment purchased with Task Force funds will belong to the NCWNTF. In the event, the NCWNTF is disbanded; such NCWNTF equipment derived from seizures will be distributed in proportion to that agency's contribution, both monetary and in-kind services. However, if less than all agencies terminate, equipment derived from seizures will remain with the NCWNTF. Any equipment loaned to the NCWNTF by an agency will be returned to that agency.
- 6.3 The NCWNTF will maintain a fund to be used for drug buys and for the purchase of information. This fund will continue to serve as the basis for enforcement work and will not be used for normal expense.

VII. CONCLUSION

Law enforcement agencies continue to be faced with the responsibility of increased narcotics investigations with decreasing resources. The North Central Washington Narcotics Task Force has proven its ability to make significant impacts on crime. The NCWNTF is an extremely efficient use of law enforcement expenditures. The cost effectiveness of the NCWNTF for city, county and tribal resources is enhanced by the participation of the Okanogan and Ferry County Prosecutor's Offices, the Washington State Patrol, Colville Tribal Police Department and other federal enforcement authorities. This integrated law enforcement approach to narcotics investigations has been proven as a positive approach to combating the increasing lawlessness that surrounds narcotics within our respective counties.

NORTH CENTRAL WASHINGTON NARCOTICS

TASK FORCE CONTINUED

OPERATIONAL AGREEMENT

Agreement to Participate

Attachment A
List of Participating Agencies

City of Okanogan

City of Twisp

City of Brewster

City of Winthrop

City of Omak

City of Tonasket

City of Oroville

Washington State Patrol

City of Pateros

United States Port of Entry

United States Border Patrol

Colville Tribal Police Department

Okanogan County Sheriff's Office

Okanogan County Prosecuting Attorney's Office

Homeland Security Investigations

Ferry County Prosecuting Attorney's Office

Ferry County Sheriff's Office

NORTH CENTRAL WASHINGTON NARCOTICS

TASK FORCE CONTINUED

OPERATIONAL AGREEMENT

Agreement to Participate

Attachment B - Schedule of Cash Contributions

\$6,600.00

City of Okanogan

City of Brewster

Ferry County Sheriff's Office

\$5,000.00

City of Oroville

City of Pateros

City of Winthrop

City of Twisp

\$10,600.00

City of Omak

City of Tonasket

City of Coulee Dam

\$12,600.00

Okanogan County Sheriff's Department

NORTH CENTRAL WASHINGTON NARCOTICS

TASK FORCE CONTINUED

OPERATIONAL AGREEMENT

Agreement to Participate

Support for Continuation of NCWNTF

MAYOR, City of Pateros

MAYOR, City of Omak

MAYOR, City of Coulee Dam

MAYOR, City of Brewster

MAYOR, City of Oroville

MAYOR, City of Twisp

MAYOR, City of Okanogan

MAYOR, City of Tonasket

MAYOR, City of Winthrop

Water and Waste System Grant Agreement

United States Department of Agriculture

Rural Utilities Service

THIS AGREEMENT dated _____, between

a public corporation organized and operating under

(Authorizing Statute)

herein called "Grantee," and the United States of America acting through the Rural Utilities Service, Department of Agriculture, herein called "Grantor," WITNESSETH:

WHEREAS

Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of a (water) (waste) system to serve the area under its jurisdiction at an estimated cost of \$ _____ and has duly authorized the undertaking of such project.

Grantee is able to finance not more than \$ _____ of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee resulting in a reasonable user charge.

Said sum of \$ _____ has been committed to and by Grantee for such project development costs.

Grantor has agreed to grant the Grantee a sum not to exceed \$ _____ or _____ percent of said project development costs, whichever is the lesser, subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the Conditions of the grant.

As a condition of this grant agreement, the Grantee assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated into this agreement by reference, and such other statutory provisions as are specifically set forth herein.

NOW, THEREFORE, In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a) of The Consolidated Farm and Rural Development Act for the purpose only of defraying a part not to exceed _____ percent of the project development costs, as defined by applicable Rural Utilities Service instructions.

Grantee Agrees That Grantee Will:

A. Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any modifications thereof prepared by Grantee and approved by Grantor.

B. Permit periodic inspection of the construction by a representative of Grantor during construction.

C. Manage, operate and maintain the system, including this project if less than the whole of said system, continuously in an efficient and economical manner.

D. Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (possess capacity to enter into legal contract for services) at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges, whether for one or more classes of service, adopted by resolution dated _____, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter, Grantee may make such modifications to the rate system as long as the rate schedule remains reasonable and nondiscriminatory.

E. Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

F. Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

G. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a representative of the Grantor.

H. To execute any agreements required by Grantor which Grantee is legally authorized to execute. If any such agreement has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another agreement of the same type need not be executed in connection with this grant.

I. Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will repay to Grantor forthwith the original principal amount of the grant stated herein above with the interest at the rate of 5 percentum per annum from the date of the default. Default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

J. Return immediately to Grantor, as required by the regulations of Grantor, any grant funds actually advanced and not needed by Grantee for approved purposes.

K. Use the real property including land, land improvements, structures, and appurtenances thereto, for authorized purposes of the grant as long as needed.

1. Title to real property shall vest in the recipient subject to the condition that the Grantee shall use the real property for the authorized purpose of the original grant as long as needed.

2. The Grantee shall obtain approval by the Grantor agency for the use of the real property in other projects when the Grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs or programs that have purposes consistent with those authorized for support by the Grantor.

3. When the real property is no longer needed as provided in 1 and 2 above, the Grantee shall request disposition instructions from the Grantor agency or its successor Federal agency. The Grantor agency shall observe the following rules in the disposition instructions:

(a) The Grantee may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(b) The Grantee may be directed to sell the property under guidelines provided by the Grantor agency. When the Grantee is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

[Revision 1, 04/17/1998]

(c) The Grantee may be directed to transfer title to the property to the Federal Government provided that in such cases the Grantee shall be entitled to compensation computed by applying the Grantee's percentage of participation in the cost of the program or project to the current fair market value of the property.

This Grant Agreement covers the following described real property (use continuation sheets as necessary).

L. Abide by the following conditions pertaining to equipment which is furnished by the Grantor or acquired wholly or in part with grant funds. Equipment means tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above.

[Revision 1, 04/17/1998]

1. Use of equipment.

(a) The Grantee shall use the equipment in the project for which it was acquired as long as needed. When no longer needed for the original project, the Grantee shall use the equipment in connection with its other Federally sponsored activities, if any, in the following order of priority:

1) Activities sponsored by the Grantor.

(2) Activities sponsored by other Federal agencies.

(b) During the time that equipment is held for use on the property for which it was acquired, the Grantee shall make it available for use on other projects if such other use will not interfere with the work on the project for which the equipment was originally acquired. First preference for such other use shall be given to Grantor sponsored projects. Second preference will be given to other Federally sponsored projects.

2. Disposition of equipment. When the Grantee no longer needs the equipment as provided in paragraph (a) above, the equipment may be used for other activities in accordance with the following standards:

(a) Equipment with a current per unit fair market value of less than \$5,000. The Grantee may use the equipment for other activities without reimbursement to the Federal Government or sell the equipment and retain the proceeds.

(b) Equipment with a current per unit fair market value of \$5,000 or more. The Grantee may retain the equipment for other uses provided that compensation is made to the original Grantor agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value or proceeds from sale of the equipment. If the Grantee has no need for the equipment and the equipment has further use value, the Grantee shall request disposition instructions from the original Grantor agency.

The Grantor agency shall determine whether the equipment can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the equipment shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by the Grantor agency to determine whether a requirement for the equipment exists in other Federal agencies. The Grantor agency shall issue instructions to the Grantee no later than 120 days after the Grantee requests and the following procedures shall govern:

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the equipment and reimburse the Grantor agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share ten percent of the proceeds for Grantee's selling and handling expenses.

(2) If the Grantee is instructed to ship the equipment elsewhere the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.

(3) If the Grantee is instructed to otherwise dispose of the equipment, the Grantee shall be reimbursed by the Grantor agency for such costs incurred in its disposition.

3. The Grantee's property management standards for equipment shall also include:

(a) Records which accurately provide for: a description of the equipment; manufacturer's serial number or other identification number; acquisition date and cost; source of the equipment; percentage (at the end of budget year) of Federal participation in the cost of the project for which the equipment was acquired; location, use and condition of the equipment and the date the information was reported; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.

(b) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years to verify the existence, current utilization, and continued need for the equipment.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented.

(d) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(e) Proper sales procedures shall be established for unneeded equipment which would provide for competition to the extent practicable and result in the highest possible return.

This Grant Agreement covers the following described equipment(use continuation sheets as necessary).

M. Provide Financial Management Systems which will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.
2. Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
3. Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
4. Accounting records supported by source documentation.

N. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm or photo copies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's government which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts and transcripts.

O. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

P. Provide an audit report prepared in accordance with Grantor regulations to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this Agreement.

Q. Agree to account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes when the Grantee is a unit of local government. States and agencies or instrumentality's of states shall not be held accountable for interest earned on grant funds pending their disbursement.

R. Not encumber, transfer or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in item K above.

S. To include in all contracts for construction or repair a provision for compliance with the Copeland ``Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

T. To include in all contracts in excess of \$100,000 a provision that the contractor agrees to comply with all the requirements of the Clean Air Act (42 U.S.C. §7414) and Section 308 of the Water Pollution Control Act (33 U.S.C. §1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. In so doing the Contractor further agrees:

[Revision 1, 11/20/1997]

1. As a condition for the award of contract, to notify the Owner of the receipt of any communication from the Environmental Protection Agency (EPA) indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

2. To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities pursuant to 40 CFR Part 32 as of the date of contract award.

[Revision 1, 11/20/1997]

3. To include or cause to be included the above criteria and the requirements in every nonexempt subcontract and that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

As used in these paragraphs the term ``facility" means any building, plan, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a Grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operation contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are co-located in one geographical area.

Grantor Agrees That It:

A. Will make available to Grantee for the purpose of this Agreement not to exceed \$_____ which it will advance to Grantee to meet not to exceed _____ percent of the project development costs of the project in accordance with the actual needs of Grantee as determined by Grantor.

B. Will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans for sewer and water and with any State or area plans for the area in which the project is located.

C. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (1) advisable to further the purpose of the grant or to protect Grantor's financial interest therein and (2) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Termination of This Agreement

This Agreement may be terminated for cause in the event of default on the part of the Grantee as provided in paragraph I above or for convenience of the Grantor and Grantee prior to the date of completion of the grant purpose. Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds.

In witness whereof Grantee on the date first above written has caused these presence to be executed by its duly authorized

attested and its corporate seal affixed by its duly authorized

Attest:

By _____

(Title) _____

By _____

(Title) _____

UNITED STATES OF AMERICA

RURAL UTILITIES SERVICE

By _____

(Title)



Passionately Curious

September 22, 2023

Town of Twisp
118 S. Glover Street.
Twisp, WA 98856

Dear Mayor Ing-Moody and City Council Members,

Thank you for your ongoing partnership in providing robust library service! NCW Libraries offers access to nearly 500,000 physical materials, a vast array of digital resources and online services, access to wifi and technology, and diverse and engaging programs for all ages. These services are funded 95% through property taxes and then provided free of charge to all North Central Washington residents. Your provision and ongoing maintenance of a library space or building for the library to operate from brings these services to the citizens of Twisp and the surrounding area.

Attached for your review and signature is the NCW Libraries Building Use and Maintenance Agreement which covers the term of January 1, 2024 through December 31st, 2029. We heard from many building owners over the course of the previous term agreement who expressed confusion about the roles and responsibilities of each party, so while the purpose and overall structure of the agreement follows the model of past term agreements, we have tried to provide greater clarity in this area. We encourage a thorough reading of the new agreement and are happy to answer any questions.

To establish a consistent model for partial reimbursement of building expenses, we have assessed the appropriate square footage measurement to be used and applied a uniform approach to which areas of a building are included in the reimbursement calculation and at what rates. This is addressed in the attached Exhibit A-Library Occupied Reimbursable Space, as well as in Section 3 of the Building Use and Maintenance Agreement. These adjustments will have the following impact on your 2024 reimbursement rate:

2023 Reimbursable SF	1588	2023 Reimbursement Rate	\$3.75	2023 Total Reimbursement	\$5,955.00
2024 Reimbursable SF	1858	2024 Reimbursement Rate	\$4.00	2024 Total Reimbursement	\$7,432.00

Please do not hesitate to contact our office if you have questions related to this agreement. While individual adjustments to the standard agreement are not possible, we are more than happy to answer any requests for clarification. We hope to have a fully executed document no later than December 1st, 2023

Sincerely,

A handwritten signature in blue ink, appearing to read 'Barbara Walters', with a stylized flourish at the end.

Barbara Walters, NCW Libraries Executive Director

bwalters@ncwlibraries.org, 509-663-1117 ext. 129

BUILDING USE AND MAINTENANCE AGREEMENT

THIS AGREEMENT, entered into as of the 1st day of January 2024 between North Central Washington Libraries, an intercounty rural library district (hereinafter referred to as “NCW Libraries”) and Twisp, Washington, a Washington municipal corporation (hereinafter referred to as the “Building Provider”).

I. RECITALS

WHEREAS, the community of Twisp is located within NCW Libraries’ service area on unincorporated land, is annexed into the district, or is under an active contract with the library district for service; and

WHEREAS, it is the desire of the Building Provider that library services be available in the community through a branch library facility (“Library Quarters”); and

WHEREAS, the Building Provider is the owner or lessee of certain real property in Twisp and desires to make the property available to NCW Libraries for the purpose of providing library service within the jurisdiction; and

WHEREAS, the Building Provider is also willing to provide such janitorial services, maintenance, and repair to said property as will be reasonably necessary for its continuing operation as a branch library; and

WHEREAS, both parties agree that NCW Libraries is not responsible for paying rent or other charges for use of the property; and

WHEREAS, NCW Libraries recognizes that the use of the Library Quarters by county residents living outside the Building Provider’s immediate jurisdiction may create additional janitorial expenses for the Building Provider; and

WHEREAS, NCW Libraries will agree to partially compensate the Building Provider for janitorial services rendered to the property; and

WHEREAS, the day-to-day management and operation of library services is the responsibility of NCW Libraries’ Executive Director or their designee, and will be subject to the policies and procedures of NCW Libraries;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

II. AGREEMENT

- 1) Purpose. NCW Libraries (formerly North Central Regional Library District) was formed pursuant to Chapter 27.12 RCW, as an Intercounty Rural Library District in 1961 to serve Chelan, Douglas, Ferry, Grant, and Okanogan Counties. Beginning in 1982, incorporated cities and towns were given the opportunity to annex into NCW Libraries or contract with NCW Libraries for library services within their jurisdictions. The resulting “Building Use and Maintenance Agreements” (“Maintenance Agreement”) outlined each party’s role in the provision of library service to these jurisdictions. Under the Maintenance Agreement, NCW Libraries has maintained responsibility for providing staffing, materials, programming, and related items that make a space a “library.” Likewise, the Building Provider has been responsible for providing NCW Libraries with use of a building, or space within a building, that is suitable for use as a branch library in the respective jurisdiction. This agreement outlines the respective responsibilities of each party and the terms for NCW Libraries partial reimbursement of Library Quarter expenses incurred by the Building Provider.
- 2) Designation and Use of Library Quarters. The Building Provider is the owner, lessee, or otherwise has legal authority to provide certain real property located at 201 S. Methow Valley Highway-Room 1, Twisp, WA (“Property”). The Building Provider shall provide, during the term of this Agreement, a building or space within a building at the Property suitable for use by NCW Libraries as a branch library (“Library Quarters”), and shall maintain such Library Quarters in good repair and maintenance for library purposes in compliance with NCW Libraries’ Siting, Relocation, and Acquisition Guidelines (as existing or amended) for the type of building, and as specifically set forth in Exhibit A attached to this Agreement and incorporated herein as if set forth in full. Such use shall be provided in consideration for NCW Libraries’ staffing and operating a branch library facility within the Library Quarters, and with the exception of payment by NCW Libraries as provided for in this Agreement, shall be available to NCW Libraries free of rent or other charges. The Building Provider acknowledges that NCW Libraries is not obligated to provide a building, space in a building, or utilities and maintenance for any building from which library services are provided except as in accordance with this Agreement.
- 3) Size of Library Quarters. As of the date of execution of this Agreement, the parties specify that the Library Quarters consist of 1858 square feet, including the entirety of the two classrooms

that make up the library, as well as half of the square footage of the public restrooms. The parties may mutually agree, in writing, to a subsequent change, alteration, or modification of the size of the Library Quarters, which new resulting square footage shall be used as the basis for payment by NCW Libraries pursuant to Section 8 of this Agreement.

4) Maintenance and Operations.

- A. NCW Libraries shall be responsible for all costs associated with providing the following maintenance and operations for the Library Quarters:
 - I. Management, supervision, and hiring of all NCW Libraries personnel
 - II. Furniture, shelving, materials, equipment, technology, and other supplies necessary for the operation of a branch library
 - III. Exterior book drops
 - IV. Exterior signage
 - V. Any necessary modifications or changes to ensure security, including door hardware and camera systems
 - VI. Telephone and Internet service
- B. The Building Provider shall be responsible for all costs associated with providing the following maintenance and operations services for the Library Quarters:
 - I. All designated parking areas, sidewalks, driveways, fences, and storm drains
 - II. Utility services and meters including natural gas, electricity, water, sewer, refuse collection, and recycling service where available
 - III. Fire detection including smoke and carbon monoxide detectors, fire extinguishers, and fire suppression systems where installed
 - IV. Landscaping, including but not limited to lawn care and all snow removal that ensures access to the Library Quarters
 - V. Repairs and maintenance to the building envelope including but not limited to the roof, doors, windows, exterior cladding, and waterproofing
 - VI. All plumbing systems, including but not limited to interior drains, valves, faucets, water heaters, and flush meters
 - VII. Repairs and maintenance to the heating and cooling equipment
 - VIII. Janitorial and maintenance services to keep the Library Quarters in neat and clean condition as further defined in Exhibit B to this Agreement

- IX. Abatement or prevention of conditions causing unpleasant odors (i.e., mold, sewage), or airborne hazardous materials that could pose a health risk to staff or patrons including, but not limited to, exposed asbestos, lead, and mold.
- X. Control and prevention of pest infestations including, but not limited to, rodents or insects.

- 5) Furnishings and Equipment. The Library Quarters and all furnishings, fixtures, and equipment provided by the Building Provider shall remain the property of the Building Provider, subject only to NCW Libraries' right of use during the term of this Agreement. NCW Libraries may also provide furnishings, fixtures, and equipment within and to facilitate use of the Library Quarters, which furnishings and equipment will remain the property of NCW Libraries.
- 6) Internet and Telephone Service. NCW Libraries, at its sole expense, shall provide telephone service and 24/7 internet service to the Library Quarters using wi-fi and wired ethernet connections. NCW Libraries shall be responsible for the installation of internet service, telephone service, and wireless networking at or serving the Library Quarters. NCW Libraries will utilize Internet Service Providers of their choosing and will determine the range and quality of said service. Thereafter, NCW Libraries shall be responsible for all coordination and costs of internet and telephone repair and maintenance and all ongoing costs for providing internet and telephone services including, but not limited to, monthly internet and telephone usage fees.
- 7) Communication between Parties. Except in the case of an emergency requiring immediate action by the Building Provider, the Parties agree to communicate in advance to coordinate planned maintenance or improvement projects that may impact public access and/or use of the Library Quarters.
- 8) Partial Compensation of Building Provider Expenses. NCW Libraries will pay the Building Provider, as partial compensation for janitorial expenses provided to the Library Quarters each year, per the table below:

January 1, 2024, through December 31, 2026	\$4.00 per Square Foot
January 1, 2027 through December 31, 2029	\$4.25 per Square Foot

- 9) Compensation Schedule. NCW Libraries shall pay the Building Provider as set forth in Section 8 in two equal bi-annual payments due within 30 days following the regular June and November meetings of the NCW Libraries' Board of Trustees. NCW Libraries shall pay the (undisputed portion of the) charges and/or notify the Building Provider that a dispute exists concerning the charges within thirty (30) days of the date the bi-annual payment is due.

In the event NCW Libraries notifies the Building Provider that a dispute exists concerning any charges, authorized representatives from NCW Libraries and the Building Provider will meet in an effort to resolve the dispute. If NCW Libraries and the Building Provider are unable to resolve the dispute to both parties' satisfaction, then the Building Provider must file suit to resolve the dispute concerning the charges in accordance with the other provisions of this Agreement. Any suit filed for purposes of resolving a dispute concerning a disputed charge must be filed by the Building Provider within one hundred twenty (120) days of the date the payment for the applicable charges is due from NCW Libraries or the Building Provider's request for payment shall be deemed waived.

The Building Provider shall not assess a late payment penalty or charge regardless of the date payment is received. In addition, interest charges shall not accrue on disputed charges.

- 10) Indemnification. The Building Provider shall indemnify, defend and hold NCW Libraries, its officials, employees, and agents, harmless from and against any and all claims, damages, losses, and expenses including reasonable attorney fees, for any bodily injury, sickness, disease, or death, or any damage to or destruction of property, including the loss of use resulting therefrom, which are alleged or proven to be caused in whole or in part by negligent or intentional act or omission of the Building Provider, its officials, employees, and agents, relating to the performance of this agreement.

NCW Libraries shall indemnify defend and hold the Building Provider, its officials, employees, and agents, harmless from and against any and all claims, damages, losses and expenses

including reasonable attorney's fees, for any bodily injury, sickness, disease, or death or any damage to or destruction of property including the loss of use resulting therefrom, which are alleged or proven to be caused in whole or in part by any negligent or intent intentional or mission of NCW Libraries, its officials, employees, and agents, relating to the performance of this agreement.

- 11) Insurance. Each party shall secure and maintain during the term of this Agreement such property insurance at levels appropriate for protection of its respective Library Quarters property. Each party shall also secure and maintain general liability insurance covering personal injury and property damage applicable to its operation and use of the Library Quarters with minimum limits of \$1,000,000 per occurrence. Either party may substitute a self-insurance program or plan for the general liability insurance required under this agreement upon approval by the other party. Either party may request verification of liability insurance at any time.
- 12) Term. Unless earlier terminated as set forth herein, this Agreement shall be effective January 1, 2024, and shall remain in force and effect until December 31, 2029. Upon expiration of the original term, unless a party has given notice of intent not to renew (by October 1) or the Building Provider is in default under this Agreement, this Agreement shall be renewed and extended on a year-to-year basis after December 31, 2029.
- 13) Termination. This Agreement shall terminate upon the earlier of the following: (i) upon the expiration of the Term, including any renewal Term; (ii) upon thirty (30) days advance written notice given by one party to the other "for cause" stemming from breach of the Agreement; (iii) at the end of any calendar year during the original term or any annual renewal term by written notice of termination delivered to the other party by October 1 of such year; or (iv) upon mutual agreement of the parties. If a notice of termination is provided by NCW Libraries prior to expiration of the Term (including any renewal Term), the Building Provider shall be paid for all services rendered up to the date of termination.

14) Nonwaiver. Any waiver at any time by either party of any right with respect to any matter arising under this Agreement shall not be considered a waiver of any subsequent default or matter.

15) Nondiscrimination. In the performance of this Agreement, the Parties shall, at all times, comply with any and all federal, state, or local laws, ordinance rules, or regulations with respect to nondiscrimination and equal employment opportunity, which may at any time be applicable.

16) Notice. Notices pursuant to this Agreement shall be in writing and may be mailed or delivered. If mailed such notices shall be sent postage prepaid, by certified or registered mail. Notices delivered personally shall be deemed communicated as of actual receipt, mailed notices shall be deemed communicated three (3) dates following the date of mailing. All notices shall be sent to the following addresses, unless written notice of a different address or notice is provided by a Party to the other Party:

City of Twisp

Attn: City Clerk-Treasurer
118 S. Glover Street
Twisp, WA 98823

NCW Libraries

Attn: Executive Director
16 N. Columbia Street
Wenatchee, WA 98801

17) Prior Agreements. This agreement shall supersede any earlier agreement, written or oral, between the parties pertaining to the subject matter of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument in duplicate the day and year first above written.

NCW LIBRARIES

By: _____
Board of Trustees Chair

Attested By:

Secretary

TOWN OF TWISP, WASHINGTON

By: _____
Mayor

Attested By:

Clerk

EXHIBIT A

Guidelines for Library Facility Siting, Relocation, or Acquisition

NCW Libraries has established the following guidelines to be considered in siting library facilities.

NCW Libraries recognizes that buildings and spaces under current occupancy may not meet all the established or desired minimum requirements as set forth in these guidelines. Building Owners are not expected to make immediate upgrades to reach compliance with minimum requirements. However, NCW Libraries does expect Building Owners to align with these requirements when they perform system and building upgrades, and to be capable of meeting the requirements if or when the library is relocated into a new space. Site selection should always consider the current long-range facility plan.

Legal Considerations:

- In accordance with 27.12 RCW, NCW Libraries policy will prevail in all matters related to NCW Libraries facilities.
- No easements or other legal considerations that would unduly restrict use of the property or impose financial or other liability on NCW Libraries.
- Zoning requirements for library use can be achieved within a reasonable time period.
- Existing buildings should be capable of passing a structural assessment for use as a public library.

Site Selection:

- Define **need** for services based on distance from other locations, demographics of local area, and other relevant criteria.
- Establish **demand** for services through metrics including but not limited to number of active library cards, percentage of users versus non-users, and other output measures.
- Determine the **service level needed** including self-serve, remote or full service, open hours, and staffing capacity.
- Establish **financial value** of site based on costs and availability of space, opportunity for donated land or buildings, available capital funding and other factors.
- Determine **equity of site** for underserved populations, including identifying who is served, accessibility of location, and how access to library resources impacts the community.

Site Capacity, Layout, and Infrastructure:

- Clear, legally compliant means of ingress/egress.
- Adequate parking or transit access onsite or nearby to support anticipated regular level of patron usage.
- Free and clear access for emergency vehicles, materials deliveries, and waste removal.
- Space to place an exterior book drop, ideally drive up, sized adequately for anticipated branch usage.
- Entryways that comply with applicable ADA requirements for the age of structure.

Visibility and Neighborhood Suitability:

- Facility should be compatible in appearance with the neighborhood and its surroundings.
- Site should be easily visible from the street.
- Placement of the library on the site should have minimal adverse environmental impact and fit with the historical context of the neighborhood.

Building Structure/Layout

- Building Envelope/Thermal/Acoustical
 - a. No active water leaks or visible signs of mold or mildew resulting from previous water intrusion.
 - b. Secure, weather sealed, and lockable windows and doors. Energy efficient windows are encouraged.
 - c. Cladding and waterproofing materials free from damage and in good working order.
- Systems
 - d. Mechanical
 - i. Functional heating and cooling system compliant with local codes (based on age of building) and sized adequately for occupancy and includes mechanical ventilation.
 - ii. Exhaust fans in all public restrooms that meet local codes.
 - e. Electrical
 - i. Electrical service that meets local codes and is adequate for occupancy type based on age of building.
 - ii. Adequate interior lighting in good repair and maintenance. Ballasts, lamps, and fixtures replaced as needed.
 - iii. Adequate exterior lighting for safety.
 - f. Low Voltage/Internet Service
 - i. One gigabyte Fiberoptic service to building.
 - ii. Ability for NCW Libraries to provide surface mounted infrastructure for security, safety, and network systems.
 - iii. Ability for NCW Libraries to modify door hardware/frame to install card readers as needed.
 - g. Plumbing
 - i. Water service compliant with local codes and sized adequately for occupancy.
 - ii. Sewer service compliant with local codes and sized adequately for occupancy.
 - iii. Functional water heater for public restrooms.
 - iv. Restroom facilities include at minimum a toilet and sink for handwashing.
 - v. No active leaks in plumbing systems.
 - h. Fire/Life Safety
 - i. Fire detection system.
 - ii. If a fire suppression system is in place or code required (based on age of building), building owner to ensure proper function and ongoing annual certification.
 - iii. Code compliant quantity of fire extinguishers. Fire extinguishers should be wall mounted in a cabinet for staff and patron safety, for extinguishers that are

accessible to the general public. Other wall mounts are acceptable for back of house spaces like behind the service point, in a staff break room or work room, etc. Fire extinguisher annual certification by building owner.

iv. Compliant emergency exit signage.

- Indoor Air Quality
 - i. Library space should be free from airborne hazardous materials that could pose a health risk to staff or patrons including, but not limited to exposed asbestos, lead, and mold.
 - j. The space should be free from unpleasant odors at the time of library occupancy. This includes, but is not limited to must, smoke, and sewage.
 - k. No evidence of frequent or ongoing pest infestations including, but not limited to rodents or insects.
- Finishes
 - l. Wall finishes that are free from damage, neutrally colored, and cleanable.
 - m. Flooring that is free from damage, and neutrally colored.
 - n. Ceiling surfaces that are free from damage.

Preferred or Supplemental Features for Library Occupancy:

1. Building Structure/Layout
 - a. Space to include a moderate amount of storage in conditioned space.
 - b. Partitioned off room(s) for staff work and break space.
 - c. Interior spaces that meet or exceed applicable ADA requirements.
2. Building Envelope/Thermal/Acoustical
 - a. Double paned or better vinyl windows.
 - b. Acoustical batt insulation installed in interior partition walls, especially staff offices and restrooms.
 - c. Insulation at all exterior walls, ceilings, and floor.
3. Systems (in addition to minimum code compliance)
 - a. Mechanical
 - b. Electrical
 - i. Additional room on electrical panel for future expansion.
 - ii. T-12 or better light fixtures, preferably LED.
 - iii. Occupancy sensors installed at infrequently used spaces such as restrooms, offices, meeting spaces, and back of house spaces for energy efficiency.
 - iv. Code compliant emergency lighting.
 - c. Plumbing
 - i. Floor drains in all public restrooms to meet local codes.
 - ii. Low flow plumbing fixtures that meet current EPA standards.
 - d. Fire
 - i. Heat detectors installed in public restrooms in lieu of smoke detectors.
 - ii. A code-compliant fire suppression system.
4. Indoor Air Quality
 - a. For new construction projects and remodels, NCW Libraries prefers the use and installation of low/no-VOC products such as paint, flooring adhesives, etc.
5. Exterior

- a. Bike racks
- Hardscapes free from obvious tripping hazards.
- Landscaping regularly maintained and not overgrown during library's occupancy.
- Adequate drainage to prevent future water infiltration.
 - b.
- 6. Finishes
 - a. Walk off mat or other robust flooring solution at any building entrances.
- 7. Accessories
 - a. Public restrooms to include a baby changing station, mirror, hand dryer or paper towel dispenser, waste disposal, and toilet seat cover dispenser.

EXHIBIT B

Sample Janitorial Scope

Below is a sample janitorial scope by branch frequency need. Need levels have been determined based on historical materials circulation and use data as well as size of population served. Twisp is in the LOW need level.

The scope below seeks to right-size cleaning frequency given the factors listed above and provide more consistency across the Library District. The scope listed below represents suggestions for minimum cleaning. NCW Libraries recognizes that often a branch is not opened for a full eight hours or everyday. For further definitions of "daily" and "weekly," please see definitions listed below the table.

	Frequency Need:	High	Moderate	Low
A	Dust, wipe, spot clean to include:			
1	Service points (EX: circulation desk)	Daily	Twice Weekly	Once Weekly
2	Wipe table surfaces and bases	Daily	Twice Weekly	Once Weekly
3	Chairs - including backs and seats	Daily	Twice Weekly	Once Weekly
4	Dust high use horizontal surfaces	Daily	Twice Weekly	Once Weekly
5	Interior handrails, if existing	Daily	Twice Weekly	Once Weekly
6	Clean glass at entrances, if existing	Daily	Twice Weekly	Once Weekly
7	Sanitize and wipe down drinking fountains	Daily	Twice Weekly	Once Weekly
8	Sanitize staff breakroom surfaces	Daily	Twice Weekly	Once Weekly
9	Window sills and bookshelves	Monthly	Monthly	Monthly
10	Remove cobwebs inside library	As-needed	As-needed	As-needed
11	Spot clean walls, switch plate covers, and doors	As-needed	As-needed	As-needed
B	Bathrooms (both public and staff) to include:			
1	Sanitize toilets, wash basins and countertops	Daily	Twice Weekly	Once Weekly
2	Sweep and mop floors	Daily	Twice Weekly	Once Weekly
3	Empty trash receptacles and replace liners	Daily	Twice Weekly	Once Weekly
4	Clean mirrors	Daily	Twice Weekly	Once Weekly
5	Replenish supplies	Daily	Twice Weekly	Once Weekly
6	Disinfect all high-touch areas including door handles and baby changing tables	Daily	Twice Weekly	Once Weekly
C	Floors to include:			
1	Sweep and mop all solid surface floors, including stairs	Daily	Twice Weekly	Once Weekly
2	Vacuum all carpeted floors	Daily	Twice Weekly	Once Weekly
3	Spot clean stains on carpet	As-needed	As-needed	As-needed
4	Sweep and detail stairs and treads, if existing	As-needed	As-needed	As-needed
5	Full building carpet clean (where applicable)	Twice Annually	Annually	Annually
5	Scrub solid surface floors in public area w/electric scrubber	Monthly	Quarterly	Twice Annually
D	Waste removal to include:			
1	Remove garbage from cans in public spaces and replace liners	Daily	Twice Weekly	Once Weekly
2	Remove garbage from cans in staff spaces and replace liners	Daily	Twice Weekly	Once Weekly
3	Remove recycling from public spaces and staff desks	Daily	Twice Weekly	Once Weekly

Definitions:

Daily: once for every 8 hours of Library open hours. (EX: if a branch is open 6 hours on Friday and 4 on Saturday, the branch should be cleaned once)
Weekly: once per every 6 days open to the public.

High WPL, MPL

Moderate Cash, Eph, Leav, Omak, Quincy, Rep, Ton, Winthrop

Low Brew, Bpt, Che, CC, Cur, Ent, EW, Geo, GC, Man, Matt, Oka, Oro, Pat, Pesh, RC, SL, Twi, War, Wat.



Qualified Reimbursable Space

To provide consistency for the 30 communities in which NCW Libraries operates physical library branches, the Board of Trustees will provide for square footage reimbursements at the rate outlined in the Building Use and Maintenance Agreement as specified below.

100% Reimbursement

The following spaces are eligible for full reimbursement at 100% of the square foot reimbursement rate.

- Library Space- Defined as the total measured interior square footage of any public and private areas of the library which NCW Libraries has complete access to and control over, including public and private restrooms, staff work and break areas, storage areas, and finished building support spaces.
- Meeting Rooms- provided that NCW Libraries has unincumbered access for library programming and has complete control over scheduling the room for outside groups.

50% Reimbursement

The following spaces are eligible for reimbursement at 50% of the square foot reimbursement rate.

- Public restrooms located outside of the defined library space in buildings shared with other tenants.
- Staff breakrooms located outside of the defined library space in buildings shared with other tenants.

No Reimbursement

The following spaces, and any others not listed above, are ineligible for reimbursement:

- Unfinished basements, crawl spaces, or attics
- Parking Lots
- Exterior yards and courtyards
- Foyers in shared buildings
- Meeting Rooms in shared buildings where NCW Libraries does not have primary control and priority scheduling
- Any square footage that exceeds NCW Libraries' maximum square foot per capita figure, currently set at 1.5 square feet per capita and based on NCW Libraries' service population calculation.

Any question or dispute related to reimbursable space should be directed to Executive Director Barbara Walters at bwalters@ncwlibraries.org.