



**Town of Twisp
Council Meeting**

Tuesday, March 14th, 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/209036389>

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: [209-036-389](https://meet.goto.com/209036389)

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.



**Town of Twisp
Council Meeting Agenda
Tuesday, March 14th, 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**

New/Old Business:

- **Discussion/Action:** RedTail Development Annexation Request
- **Discussion/Action:** Auvil Fruit – Trust Water Rights Temporary Lease Agreement
- **Discussion/Action:** Ordinance #797 – TMC 16.10 - Floodplain Management Amendments

Consent Agenda:

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

Adjournment

Randy Kilmer

From: Thomas Jones <tmjones331@gmail.com>
Sent: Monday, March 13, 2023 8:45 PM
To: Randy Kilmer
Subject: Subject: Leasing Twisp's water rights to Auvil

You don't often get email from tmjones331@gmail.com. [Learn why this is important](#)

To Twisp Town Council:

I strongly oppose the Town of Twisp leasing water rights from the Twisp Water System to Auvil. My opposition is based on streamflow forecasts in the Methow Valley Climate Action Plan. In that Plan, Dr. Amy Snover, Director of the University of Washington Climate Impacts Group, and part-time Methow Valley resident, summarized the expected climate change impacts in the Methow Valley as follows: "Lower low flows during the summer; July average streamflow 48% less in 2040s, 65% less in 2080s." See chart on page 29 of the Plan.

The Town of Twisp needs to conserve our valley's water and reject Auvil's request. Respectfully, Thomas M. Jones, 19615 State Route 20, Twisp, WA 98856. Tel. (206) 618-9312

12/22/22

Mike Maples, owner
RedTail Development, LLC
1011 N 79th Ave
Yakima, WA. 98908

Soo Ing-Moody, Mayor
Town of Twisp
PO Box 278
118 South Glover St
Twisp, WA 98856

Re: Letter of Request for Annexation under RCW 35.13.125

Dear Mayor,

With this letter, we seek to clarify whether the City would entertain an application for annexation of a portion of our property according to the process outlined in RCW 35.13.125.

Since 2006, my wife (Marjorie Henderson) and I have owned the property known locally as “the Mill Hill” (parcel no.: 3322170256). The parcel borders the Twisp town limits throughout most of the parcel’s South and West boundaries. I am also a partner in the family trust (Lloyd Holdco) that owns the former mill site property, adjoining our property on the south within the town limits.

Near the foot of the hill facing Twisp, there is a bench of land that we have long viewed as desirable for residential development. A corner of our parcel bisects that bench and would obstruct effective and efficient residential development. With that in mind, I had this portion (~2 acres) surveyed in 2008 to be prepared for a boundary line adjustment. I was unaware at the time that annexation would be an obstacle and did not have time to sort that out back then.

Several factors lead me to return to this issue. Among those are:

1. We will likely sell our parcel in the coming months; and
2. We have become aware that other development of the “bench”, potentially also requiring annexation, is under consideration.

If the Town of Twisp would consider such a proposal, an application will be prepared. The effect of successful application to annex would result in approximately 2 acres from our parcel (currently 146 acres) to the adjoining Lloyd Holdco parcel (no. 3322170429, currently 80 acres) via boundary line adjustment.

Please feel free to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Maples", is positioned above the typed name.

Mike Maples
Contact Info:

Mwmmaples52@gmail.com

Home: 509-966-205

Cell: 509-952-9509

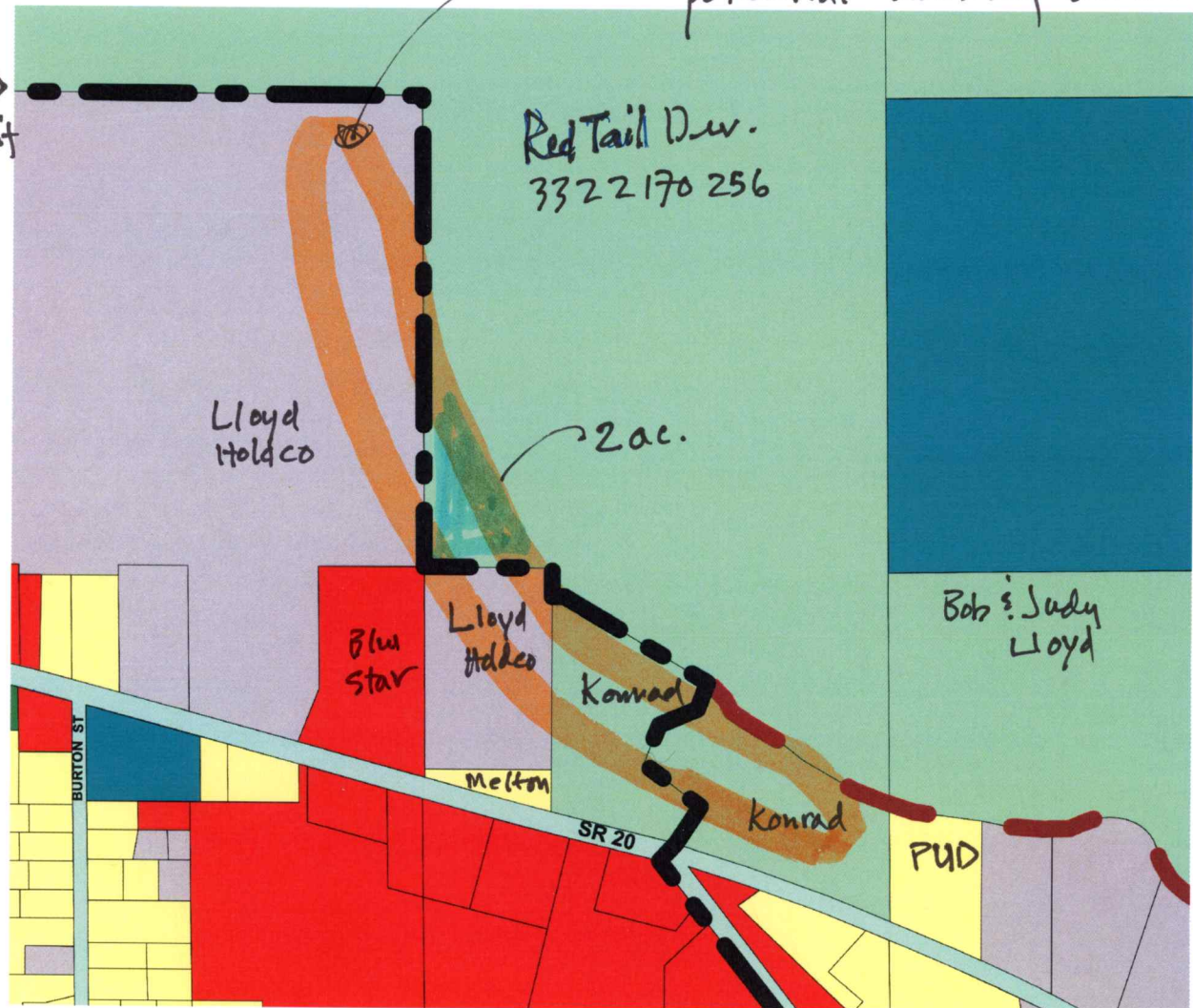
CC via email: Heidi Appel, Kurt Dannison

Attachments:

1. Graphic representing benchland (orange highlight drawn) relative to current parcels
2. Survey of area subject to annexation and BLA

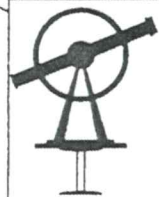
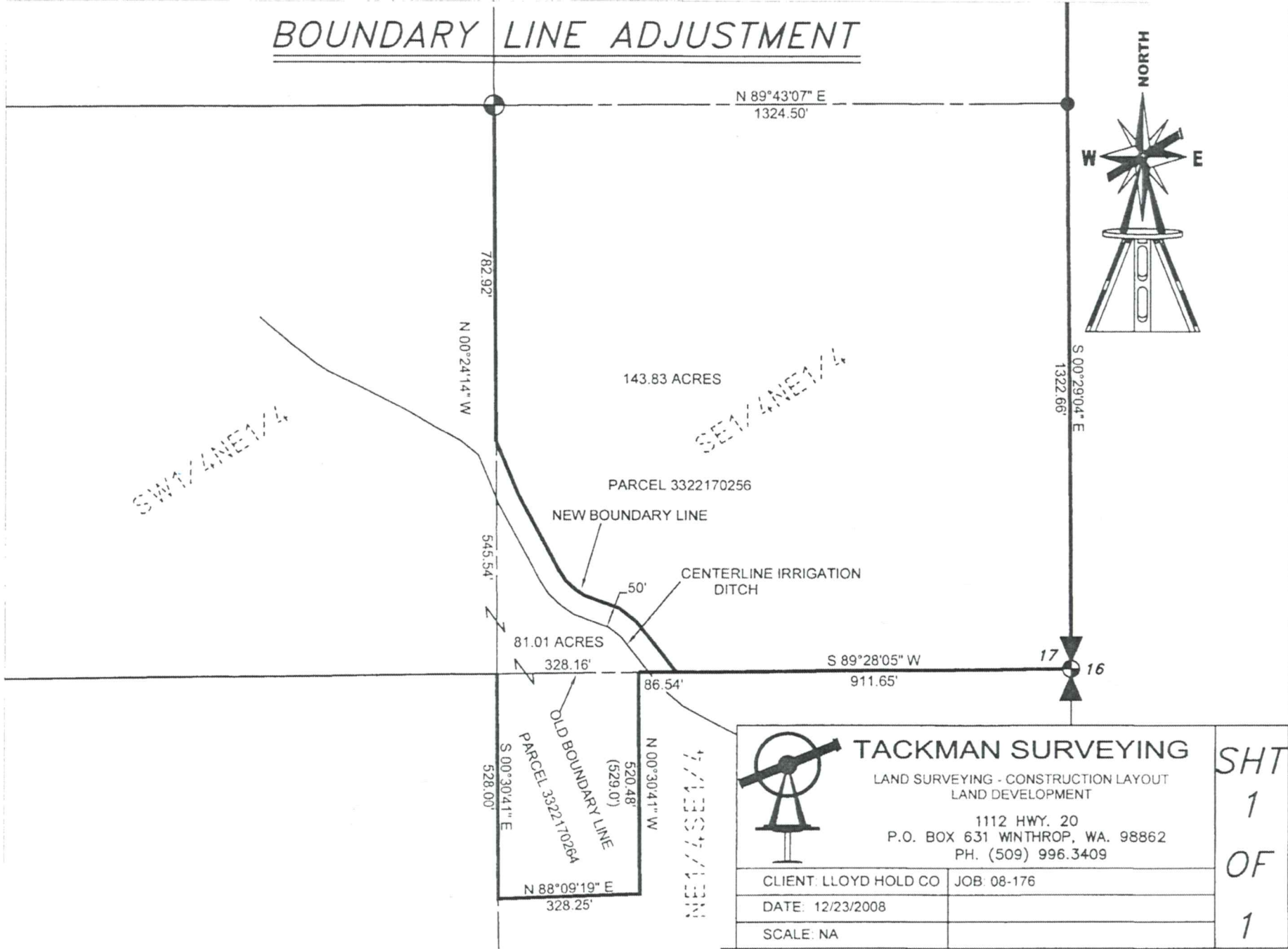
Approx Benchland for potential housing development

Twisp City Limit



Twisp Comprehensive Plan Boundary

BOUNDARY LINE ADJUSTMENT



TACKMAN SURVEYING

LAND SURVEYING - CONSTRUCTION LAYOUT
LAND DEVELOPMENT

1112 HWY. 20
P.O. BOX 631 WINTHROP, WA. 98862
PH. (509) 996.3409

CLIENT: LLOYD HOLD CO	JOB: 08-176
DATE: 12/23/2008	
SCALE: NA	

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Aspect Consulting Twisp Water Analysis – 02/28/2023

We consulted the Town’s 2015 Water System Plan (Chapters 2 and 4), which outlines the water demand and water rights for the Town of Twisp. Tables 4-6 and 4-7 in this chapter provide the water rights self-assessments performed in 2015, forecasting water availability associated with the Town’s water right holdings for the years 2021 and 2035, respectively. These tables show a projected annual use of 268 ac-ft and a surplus of 204.4 ac-ft in 2021. Similarly, they showed a projected use of 338 ac-ft and a surplus of 134.4 ac-ft in 2035. So as of 2015, the Town was identifying that it had enough water right authority to meet its 20-year demand forecast and still have considerable surplus for growth.

Actual water use data is now available for comparison with the forecasted values of the 2015 WSP (thanks Randy). The 2022 annual source water meter use of 67,740,879 gallons is equivalent to 208 acre-feet. In the 2015 WSP, the projected water use for 2021 was 268 acre-feet (see Table 2-9 for reference). In other words, because of the conservation and leak repair the Town has successfully implemented, you are using significantly less water in 2022 than you forecasted in 2021. The difference of 60 acre-feet between the actual amount and the projected amount between these years can be added to the projected surplus of 204.4 ac-ft from Table 4-6, which brings the total current surplus to 264.4 ac-ft.

For 2035, projected water use was 338 ac-ft and was based on 1,027 Equivalent Residential Units (ERUs, Table 2-9). This is a growth of 213 ERUs from the 2021 projected value of 814 ERUs. The anticipated number of housing units coming online in upcoming development proposals is estimated between 165 and 180. So even if all these houses are added, it is still less than your 2015 projections, and your conservation/leak projects have created more room for growth.

In the table below, we compare your original assumptions from the Water System Plan, and the additional surplus from your conservation projects.

Year	2015 WSP Projected Annual Production (af/yr)	Revised Annual Production (af/yr)	Water Use Savings (af/yr)	2015 WSP Projected Surplus (af/yr)	Revised Surplus (af/yr) ²
2021/2022 ¹	268	208	60	204.4	264.4
2035	338	278	60	134.4	194.4 ³

1. WSP projection are taken verbatim for the year 2021 but annual use data is from 2022.
2. Revised surplus was derived by adding the 60 ac-ft of savings to the reported WSP surplus values.
3. For comparison, each house in Twisp is about 0.25 ERU. So 194.4 ERU’s of surplus capacity is on the order of 750 additional ERUs.

Finally, turning to Auvil’s proposal, the amount of water that Auvil desires to lease is 38 ac-ft for a term of approximately 6 years as described in the lease agreement. Given that the projected surplus 12 years

out substantially exceeds the lease amount of water, the Town has enough water to enter into the lease agreement and still meet its growth needs.

Please let me know if you have any questions. Thanks, Dan

Dan Haller, PE, CWRE | Principal Water Resources Engineer | Direct: 509.895.5462 | Cell: 509.952.8607

Aspect Consulting LLC | 1106 N 35th Ave, Yakima, WA 98902 | www.aspectconsulting.com

1 2.3 The Property. The Leased Water is to be applied on the real property located
2 in the County of Douglas, State of Washington, and is more particularly described on the attached
Exhibit "A" (the "**Property**").

3 2.4 The Purpose. The purpose of this Lease is for the irrigation of up to 30 acres
4 of commercial tree fruit orchard to be planted on the Property between March 1 and November 15 of
each year (the "**Purpose**").

5 2.5 Point of Diversion. The Leased Water shall be diverted from the Columbia
6 River, and AFC has responsibility for the installation, maintenance and repair of the pumps and
associated diversion works to deliver the Leased Water to the Property.

7 2.6 Term. The term of this Lease shall be from obtaining the Term Permit
8 described under Section 2.11 until November 15, 2029 (the "**Term**").

9 2.7 Rent. The rental for the Term shall be a one time payment of \$28,500 upon
10 issuance of the Term Permit described under Section 2.11, below. All payments shall be in U.S.
currency.

11 2.8 Late Payment Penalty. If payment is received later than 5:00 p.m. on the
12 day after the due date, there shall be a late payment penalty in addition to the rental payment
due. The late payment penalty shall be five percent (5%) of the late payment and shall be
considered part of the rent due.

13 2.9 Property Taxes/Assessments. AFC shall pay all real property taxes on the
14 Property including any increases thereto resulting from the use of the Leased Water thereon. AFC
shall pay to Twisp any leasehold excise taxes due on the lease under RCW 82.29A., et. seq., and
15 Twisp agrees to timely remit such to the state of Washington. Twisp agrees not to assess any
16 additional surcharges, fees or taxes beyond the minimum required to be paid to the State of
Washington.

17 2.10 Irrigation. AFC shall use water carefully, not wastefully, and in harmony
18 with sound soil and water conservation practices. Irrigation shall be done in accordance with good
farming practices. The irrigation system shall be kept by AFC in good condition and repair.

19 2.11 Term Permit. Twisp agrees to provide AFC with a Term Permit authorizing
20 the use of the Leased Water as provided herein (the "**Term Permit**"). If the Term Permit is not issued
on or before April 30, 2023, AFC may elect to terminate this Agreement and no Rent shall be due.

21 2.12 Arbitration of Disputes. Twisp and Lessee (collectively the "**Parties**" and
22 individually a "**Party**") agree to attempt to resolve any disputes relating to this Agreement by
negotiation and/or with a mutually agreed-upon mediator. However, if these attempts are
23 unsuccessful, upon demand by either party, all claims between the parties shall be referred for
binding arbitration in accordance with the Washington Uniform Arbitration Act (RCW 7.04A et seq.).
24 There shall be one arbitrator, whose decision shall be final, and binding, and judgment may be
entered thereon. If the parties cannot agree on the arbitrator, the arbitrator shall be appointed by
25 the presiding judge of the Douglas County Superior Court. The arbitrator is authorized to restrict
and/or limit discovery in the arbitrator's discretion, to that discovery reasonable under the
circumstances considering the complexity of the matter and the amount in controversy. The
substantially prevailing party, in any arbitration or other action, shall be entitled to collect all fees

1 and costs incurred in connection with such action, including attorneys' fees, which amount shall be
2 included in any award given.

3 2.13 Right of Entry. Twisp and/or Twisp's agents shall have the right to go upon
4 the Property to confirm the use of the Leased Water thereon consistent with the Purpose, provided
5 Twisp shall coordinate such access at times to not unreasonably interfere with the farming activities of
6 AFC on the Property.

7 2.14 Metering. AFC shall meter its use the Leased Water and shall provide regular
8 reportings of such use to Twisp as reasonably requested or as needed to comply with applicable
9 reporting rules to Washington State Department of Ecology ("**Ecology**").

10 2.15 Service of Notices. All notices shall be in writing. All notices to be given
11 to either Party (i) may be served on such Party, personally, (ii) may be served on the registered
12 agent of such Party, or (iii) may be served on such Party in the manner designated on the Address
13 section below the signature line hereto, or such other place as such Party may direct in writing.
14 Notice shall be deemed delivered on the date of delivery if personally delivered or two days after
15 the date of postmark if mailed, or two days after deposit with a recognized national courier for
16 overnight delivery or within 24 hours of being sent by fax or e-mail. All notice periods shall begin
17 and end on midnight. Unless specified as business days, all notice periods set out as a number of
18 days shall mean calendar days. If any notice period expires on Saturday, Sunday or legal holiday
19 under Washington state law, the notice period shall be deemed extended to the next day which is
20 not a Saturday, Sunday or such legal holiday.

21 2.16 Right to Mortgage. AFC may encumber the Property by mortgage and may
22 pledge its interest in this Lease, securing such sum or sums and upon such terms and conditions as
23 AFC may desire, subject to this Lease.

24 2.17 Reversion Upon Termination. AFC covenants and agrees that upon the
25 expiration of the Term, or upon the termination of the Lease for any cause, AFC will at once peacefully
surrender and deliver up the Leased Water to Twisp unless AFC shall have acquired the right to
continued use of the Leased Water through another written agreement or written extension of this
Lease.

2.18 Cancellation, Termination or Default. Twisp shall, on default with respect to
any of the provisions of this Lease by AFC, provide AFC with written notice of any breach of the rental
terms or conditions and AFC shall have ten (10) days to either correct the condition or commence
corrective action if the condition cannot be corrected within ten (10) days. If the condition cannot be
corrected in ten (10) days, AFC shall have a reasonable time to complete the correction. If AFC fails
to cure, Twisp may elect to enforce the terms and conditions of this lease agreement by any other
method available under law, or Twisp may declare a forfeiture of the lease agreement by providing ten
(10) days' notice to AFC of Twisp's intent to do so.

2.19 Subletting, Delegation, and Assignment. AFC can sublease the Property
or any part thereof, including the rights to apply the Leased Water thereto consistent with the
Purpose and this Lease to an entity related or affiliated with AFC.

2.20 Savings Clause. Nothing in this Lease shall be construed so as to require the
commission of any act contrary to law, and wherever there is any conflict between any provision of this
Lease and any material statute, law, public regulation or ordinance, the latter shall prevail, but in such

1 event, the provisions of this Lease affected shall be curtailed and limited only to the extent necessary
2 to bring it within legal requirements.

3 2.21 Interpretation. When interpreting this Lease, the singular may include the
4 plural and the masculine may include the feminine, or vice versa, where context so admits or requires.

5 2.22 Severability. The provisions hereof shall be deemed independent and
6 severable, and the invalidity or partial invalidity or unenforceability of any provision or portion hereof
7 shall not affect the validity or enforceability of any other provision hereof.

8 2.23 No Joint Venture. This Lease is not a joint venture agreement.

9 2.24 Entire Agreement. This Lease contains the entire agreement between the
10 parties hereto, and there are no verbal or other agreements which modify or affect this Lease.

11 2.25 Number; Gender; Permissive Versus Mandatory Usage. Where the
12 context permits, references to the singular shall include the plural and vice versa, and to the neuter
13 gender shall include the feminine and masculine. Use of the word "may" shall denote an option or
14 privilege and shall impose no obligation upon the party which may exercise such option or privilege;
15 use of the word "shall" shall denote a duty or an obligation.

16 2.26 Captions and Construction. The captions in this Lease are for the
17 convenience of the reader and are not to be considered in the interpretation of its terms.

18 2.27 Facsimile/E-Mail Copies/Counterparts. The parties agree that this Lease
19 may be executed in counterparts, each of which shall be deemed an original and all of which
20 together shall constitute one and the same agreement, and may be transmitted between them
21 electronically or by facsimile machine. The parties intend that electronically transmitted or faxed
22 signatures constitute original signatures and that agreements containing the signatures (original,
23 e-mailed or faxed) of all the parties shall constitute a fully executed original and shall be binding on
24 the parties.

25 2.28 Memorandum of Lease. Lessor and Lessee agree that this Lease shall not
be placed of record. Either party may execute and place of record an instrument, in recordable
form, evidencing the commencement date and expiration date of this Lease.

2.29 Authority to Sign. The parties signing this Lease hereby acknowledge that
they are authorized to execute the instrument on behalf of the entities they are signing for and
acknowledged it to be the free and voluntary act of such parties for the uses and purposes
mentioned in the instrument.

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"TWISP"

Town of Twisp, a Washington Municipal Corporation

By _____

Print name: _____

Print Title: _____

Date: _____

Notice Address:

Attention: (insert Name): _____

Address: _____

Email: _____

"AFC"

AFC Ranch 3, LLC

By Its Manager: Auvil Fruit LLC, a Delaware limited liability company

By _____

Chris McCarthy, President

Date: _____

Notice Address:

Attention: Chris McCarthy

Address: 21902 SR 97

Orondo, WA 98843-9701

Email: chrism@auvilfruit.com

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STATE OF WASHINGTON)
) ss.
COUNTY OF CHELAN)

I certify that I know or have satisfactory evidence that Chris McCarthy is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Auvl Fruit LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2023

Typed/Printed Name _____
NOTARY PUBLIC
In and for the State of Washington
My appointment expires _____

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EXHIBIT "A"
Legal Description

That portion of the Northeast quarter of the Southeast quarter of Section 28, Township 26 North, Range 21, E.W.M., Douglas County, Washington, lying easterly of SS Highway No. 10 D,

EXCEPT for existing road,

AND EXCEPT any portion of Bray's Landing Road and that portion of Northeast quarter of the Southeast quarter lying northerly thereof; ALSO that portion of the South half of the Southeast quarter of said Section 28, lying northerly of the center line of the deep gully running easterly and westerly through said subdivision lying easterly of SS Highway No. 10 D,

EXCEPT Secondary State Highway right of way as revised March 16, 1964, and shown on plat of Survey by Helmer, Hughes & Associates, B924,

EXCEPT Tract B as described on Record of Survey recorded on Douglas County File No. 3145030.

TOGETHER WITH all water rights appurtenant to or presently being used on the property described herein.

SUBJECT TO all rights, restrictions, reservations, covenants and easements, of record.

ORDINANCE #797

AN ORDINANCE OF THE TOWN OF TWISP, WASHINGTON AMENDING CHAPTER 16.10 OF THE TWISP MUNICIPAL CODE WHICH ADOPTS AMENDMENTS TO FLOODPLAIN MANAGEMENT REGULATIONS FOR THE TOWN; PROVIDING A SEVERABILITY PROVISION AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Town of Twisp (“Town”) has an adopted Floodplain Management Code in accordance with Chapter 86.16 RCW and Chapter 173-158 WAC; and

WHEREAS, the Federal Emergency Management Agency and the state Department of Ecology promulgate and enforce requirements that local governments must adopt and implement floodplain management regulations in order to maintain eligibility for participation in the Federal Flood Insurance Program; and

WHEREAS, in 2022, the TOWN participated in a Community Assistance Consultation with the Department of Ecology (“Ecology”) wherein required and recommended amendments to Chapter 16.10 TMC were provided to the TOWN for its consideration; and

WHEREAS, the Town Council directed the TOWN Planning Commission to review the required and recommended changes provided by Ecology and return a recommendation to the Town Council; and

WHEREAS, the Planning Commission reviewed the required and recommended amendments during public meetings in 2022; and

WHEREAS, the Planning Commission accepted a DRAFT amended Chapter 16.10 TMC and released for a 30 day public and agency review, which ended in a Public Hearing on September 14th, 2022; and

WHEREAS, at conclusion of the Public Hearing, the Planning Commission passed a motion to recommend acceptance of the amended code to the Town Council and initiation of the formal 60-day review process through the Department of Commerce required for amendments to Critical Areas regulations; and

WHEREAS, the Council accepted and initiated the formal review process on November 17th, 2022; and

WHEREAS, the formal review process ended on January 16th, 2023, with no comments received.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TWISP AS

FOLLOWS:

Section 1. AMENDMENT. The Town Council hereby amends Chapter 16.10 TMC, the Floodplain Management regulations of the Town, as set forth in the strikeout document attached as Exhibit "A" to this Ordinance, and which by this reference is made a part herein as if set forth in full.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect after its passage by the Town Council, approval by the Mayor, and publication of this Ordinance or a summary thereof as required by law.

APPROVED:

Soo Ing Moody, MAYOR

ATTEST:

Randy Kilmer, TOWN CLERK

APPROVED AS TO FORM:

BY: W. SCOTT DETRO, TOWN ATTORNEY

Chapter 16.10
FLOOD DAMAGE PREVENTION

**Comments from Department of Ecology,
Shorelands and Environmental Assistance Program
For the NFIP Community Assistance Contact of January 19, 2022
Twisp Planning Commission Review May 11, 2022**

Sections:

Article I. Statutory Authorization, Findings of Fact, Purpose and Objectives

- 16.10.010 Statutory authorization.
- 16.10.020 Findings of fact.
- 16.10.030 Statement of purpose.
- 16.10.040 Methods of reducing flood losses.

Article II. Definitions

- 16.10.050 Definitions.

Article III. General Provisions

- 16.10.060 Lands to which this chapter applies.
- 16.10.070 Basis for establishing the areas of special flood hazard.
- 16.10.080 Penalties for noncompliance.
- 16.10.090 Abrogation and greater restrictions.
- 16.10.100 Interpretation.
- 16.10.110 Warning and disclaimer of liability.

Article IV. Administration

- 16.10.120 Development permit.
- 16.10.130 Administrator – Designated.
- 16.10.140 Administrator – Duties and responsibilities.
- 16.10.150 Variance procedure – Appeal board.
- 16.10.160 Conditions for variances.

Article V. Provisions for Flood Hazard Reduction

- 16.10.170 General standards.
- 16.10.180 Anchoring.
- 16.10.190 Construction materials and methods.
- 16.10.200 Utilities.
- 16.10.210 Subdivision proposals.
- 16.10.220 Review of building permits.
- 16.10.230 Specific standards.
- 16.10.240 Specific standards – Residential construction.
- 16.10.250 Specific standards – Nonresidential construction.
- 16.10.260 Specific standards – Critical facilities.
- 16.10.270 Specific standards – Manufactured homes.
- 16.10.275 Recreational vehicles.
- 16.10.280 Floodways.
- 16.10.290 Encroachments.
- 16.10.300 Wetlands management.
- 16.10.310 Standards for shallow flooding areas (AO zones).

Prior legislation: Ords. 218 and 321.

Article I. Statutory Authorization, Findings of Fact, Purpose and Objectives

16.10.010 Statutory authorization.

The legislature of the state of Washington has in RCW 86.16.080 through 86.16.085 and Chapter 173-158 WAC delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the town council of Twisp, Washington ordains the provisions of this chapter. (Ord. 333 § 1.0, 1988)

16.10.020 Findings of fact.

(1) The flood hazard areas of the town of Twisp are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are-may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 333 § 1.1, 1988)

16.10.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an areas of special flood hazard;
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 333 § 1.2, 1988)
- (9) To participate in and maintain eligibility for flood insurance and disaster relief.

16.10.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 333 § 1.3, 1988)

Article II. Definitions

16.10.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

“Appeal” means a request for a review of the ~~town administrator's~~ interpretation of any provisions of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO, ~~or AH, AR/AO or AR/AH~~ zone on the ~~Flood Insurance Rate~~ ~~Map~~ (FIRM) with a one percent or greater annual chance of flooding to an average . ~~The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.~~

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater change of flooding in any given year. ~~Designation on maps always includes the letters A or V. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR.~~ “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” ~~Designation on maps always includes the letters A or V.~~

“Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Building” see “Structure.”

“Building Code” means the currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, or storage of equipment or material, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

“Elevated Building” means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Essential Facility” this term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Farmhouse” a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

“Flood” or “flooding” means 1) a general and temporary condition of partial or complete inundation of normally dry land areas from:

_____ (1a) The overflow of inland or tidal water; ~~and/or~~

_____ (2b) The unusual and rapid accumulation of runoff of surface waters from any source.

(c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance ~~Administration~~ Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

“Flood insurance study” ~~means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood. see “Flood Elevation Study.”~~

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

“Floodplain Administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary

facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ designated height. Also referred to as “Regulatory Floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at TMC 16.10.240(2).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the "start of construction"

commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

“One-hundred-year flood or 100-year flood” see “Base flood.”

“Reasonably Safe from Flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

“Recreational vehicle” means a vehicle:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, addition, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred ‘substantial damage,’ regardless of the actual repair work performed. either:

- ~~(1) Before the improvement or repair is started; or~~
- ~~(2) If the structure has been damaged and is being restored, before the damage occurred.~~

~~For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

The term does not, however, include either:

(1) Any project for improvement of a structure to comply with ~~existing previously identified~~ state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a ~~“historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 567 § 1, 2006; Ord. 333 § 2.0, 1988)

~~“Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.~~

Article III. General Provisions

16.10.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town of Twisp, Washington. (Ord. 333 § 3.1, 1988)

16.10.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administrator ~~ion~~ in a scientific and engineering report entitled “The Flood Insurance Study for the Town of Twisp” dated ~~July 18, January~~ 1977, and any revisions thereto, with accompanying ~~f~~Flood ~~i~~nsurance ~~Rate m~~aps (FIRMs) dated ~~July 18, 1977, and any~~ revisions thereto, is-are hereby adopted by reference and declared to be a part of this chapter. The ~~f~~Flood ~~i~~nsurance ~~s~~tudy and FIRM is on file at Twisp City Hall. (Ord. 567 § 2, 2006; Ord. 333 § 3.2, 1988)

16.10.075 Compliance.

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

16.10.080 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions, shall constitute a civil infraction. Any person found to have committed such civil infraction, or who fails to comply with the requirements thereof, shall be assessed a monetary penalty of not less than \$50.00 nor more than \$500.00, together with all costs and expenses of such case. Nothing herein contained shall prevent the town of Twisp from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 333 § 3.3, 1988)

16.10.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 333 § 3.4, 1988)

16.10.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 333 § 3.5, 1988)

16.10.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town of Twisp, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administration decision lawfully made hereunder. (Ord. 333 § 3.6, 1988)

Article IV. Administration

16.10.120 Development permit.

(1) Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in TMC 16.10.070. The permit shall be for all structures including manufactured homes, as defined in TMC 16.10.050, and for all development including fill and other activities, also as defined in TMC 16.10.050.

(2) Application. Application for a development permit shall be made on forms furnished by the ~~town-~~
~~clerk~~Floodplain Administrator and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in TMC 16.10.250; ~~and~~
- (d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 333 § 4.1, 1988)

(e) Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

(f) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

16.10.130 Floodplain Administrator – Designated.

The Town Clerk or other official designated by the mayor is hereby appointed ~~to as the floodplain administrator~~ and implement this chapter by granting or denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (Ord. 333 § 4.2, 1988)

16.10.140 Floodplain Administrator – Duties and responsibilities.

Duties of the Floodplain ~~a~~Administrator shall include, but not be limited to:

- (1) Permit Review.
 - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of TMC 16.10.280(1) are met.

(d) Review all development permits to determine that the site is reasonably safe from flooding.

(e) Notify FEMA when annexations occur in the Special Flood Hazard Area.

(f) Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with TMC 16.10.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer TMC 16.10.230 through 16.10.280.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection (2) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

(b) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (2) of this section:

(i) Verify-Obtain and maintain a record of the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Maintain the floodproofing certifications required in TMC 16.10.120(2)(c);

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(d) Certification required by Section 16.10.280(1) (floodway encroachments).

(e) Records of all variance actions, including justification for their issuance.

(f) Improvement and damage calculations.

(4) Alteration of Watercourses.

(a) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means, and;

(b) ~~Require that maintenance is provided within~~ Assure that the flood carrying capacity of the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished is maintained.

(5) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in TMC 16.10.150 and 16.10.160. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 340 § 1, 1989; Ord. 333 § 4.3, 1988)

16.10.150 Variances

The variance criteria set forth in this section of the ordinance chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Town of Twisp to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance of this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

16.10.151 Variance procedure – Appeal board.

- 1) The town council of the town of Twisp shall hear and decide appeals and requests for variances from the requirements of this chapter.
- 2) The town council of the town of Twisp shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~mayer~~ town of Twisp in the enforcement or administration of this chapter.
- 3) Those aggrieved by the decision of the town council, or any taxpayer, may appeal such decision to a court of competent jurisdiction.
- 4) In passing upon such applications, the town council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a) The danger that materials may be swept onto other lands to the injury of others;
 - b) The danger to life and property due to flooding or erosion damage;
 - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity to the facility of a waterfront location, where applicable;
 - f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g) The compatibility of the proposed use with existing and anticipated development;
 - h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5) Upon consideration of the factors of subsection (4) of this section and the purposes of this chapter, the city-town council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6) The mayor-town of Twisp shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 333 § 4.4-1, 1988)

16.10.152 Requirements for Variances.

1) Variances shall only be issued when all of the following are met:

- a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d) Upon a showing of good and sufficient cause;
- e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 16.10.050 of this chapter in the definition of "Functionally Dependent Use."

2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 16.10.120 through 16.10.260 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

16.10.153 Variance Criteria.

1) In considering variance applications, the Town of Twisp shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- a) The danger that materials may be swept onto other lands to the injury of others;
- b) The danger to life and property due to flooding or erosion damage;
- c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d) The importance of the services provided by the proposed facility to the community;
- e) The necessity to the facility of a waterfront location, where applicable;
- f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- g) The compatibility of the proposed use with existing and anticipated development;

h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i) The safety of access to the property in time of flood for ordinary and emergency vehicles;

j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,

k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

16.10.154 Conditions for variances.

1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing TMC 16.10.150(4)(a) through (k) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5) Variances shall only be issued upon:

a) A showing of good and sufficient cause;

b) A determination that failure to grant the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in TMC 16.10.150(4), or conflict with existing local laws or ordinances.

6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (1) of this section, and otherwise complies with TMC 16.10.180 and 16.10.190 of the general standards.

8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 333 § 4.4-2, 1988)

16.10.318 Additional Requirements for the Issuance of a Variance.

1) Any applicant to whom a variance is granted shall be given written notice over the signature of a Floodplain Administrator that:

a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

- b) Such construction below the BFE increases risks to life and property.
- 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.

Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

16.10.160 ~~Conditions for variances.~~

- ~~(1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing TMC 16.10.150(4)(a) through (k) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.~~
- ~~(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.~~
- ~~(3) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- ~~(5) Variances shall only be issued upon:~~
- ~~(a) A showing of good and sufficient cause;~~
 - ~~(b) A determination that failure to grant the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in TMC 16.10.150(4), or conflict with existing local laws or ordinances.~~
- ~~(6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~
- ~~(7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (1) of this section, and otherwise complies with TMC 16.10.180 and 16.10.190 of the general standards.~~
- ~~(8) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 333 § 4.4 2, 1988)~~

Article V. Provisions for Flood Hazard Reduction

16.10.170 **General standards.**

In all areas of special flood hazards, the standards set forth in this article are required. (Ord. 333 § 5.1, 1988)

16.10.180 Anchoring.

(1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). (Ord. 333 § 5.1-1, 1988)

16.10.190 Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 333 § 5.1-2, 1988)

16.10.200 Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 333 § 5.1-3, 1988)

~~(4) Water wells shall be located on high ground that is not in the floodway.~~

16.10.210 Subdivision proposals and development.

(1) All subdivision proposals as well as new development shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals as well as new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals as well as new development shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less). (Ord. 333 § 5.1-4, 1988)

16.10.215 Storage of Materials and Equipment.

1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

16.10.220 Review of building permits.

(1) Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (TMC 16.10.140(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. 333 § 5.1-5, 1988)

16.10.230 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in TMC 16.10.070 or 16.10.140(2), the provisions set forth in TMC 16.10.240 through 16.10.270 are required. (Ord. 333 § 5.2, 1988)

16.10.240 Specific standards – Residential construction.

(1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, New construction and substantial improvement of any residential structure shall have the lowest floors, including basement, elevated to one foot or more above base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. (Ord. 567 § 3, 2006; Ord. 333 § 5.2-1, 1988)

(d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the entry and exit of floodwaters.

(3) New construction and substantial improvement of any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

(4) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Section 16.10.310.

16.10.250 Specific standards – Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~either have the lowest floor, including basement, elevated to one foot or more above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall meet the requirements of Section 16.10.240 or all of the following requirements:~~

(1) Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in TMC 16.10.140(3)(b).

(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in TMC 16.10.240(2).

(5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level, e.g., a building floodproofed to one foot above the base flood level will be rated as at the base flood level. (Ord. 567 § 4, 2006; Ord. 333 § 5.2-2, 1988)

16.10.260 Specific standards – Critical facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three or more feet above the base flood elevation at the site or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base floodplain BFE shall be provided to all critical facilities to the extent possible. (Ord. 333 § 5.2-3, 1988)

16.10.270 Specific standards – Manufactured homes.

(1) All manufactured homes to be placed or substantially improved on sites:

- ~~(a) Outside of a manufactured home park or subdivision;~~
- ~~(b) In a new manufactured home park or subdivision;~~
- ~~(c) In an expansion of an existing manufactured home park or subdivision;~~
- ~~(d) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;~~

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

~~(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:~~

- ~~(a) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; or~~
- ~~(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (Ord. 567 § 5, 2006; Ord. 493 § 1, 2000; Ord. 333 § 5.2-4, 1988)~~

16.10.275 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only with quick disconnect type utilities and security devices, and have no permanently attached additions; or
- (3) Meet the requirements of TMC 16.10.270 and elevation and anchoring requirements for manufactured homes. (Ord. 493 § 2, 2000)

16.10.277 Enclosed Area Below the Lowest Floor.

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

16.10.278 Small Accessory Structures (Detached Garages & Small Storage Structures).

For A Zones (A, AE, A1-30, AH, AO):

- 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d) Any machinery or equipment servicing the appurtenant structure must be elevated or flood proofed to or above the BFE;
 - e) The appurtenant structure must comply with floodway encroachment provisions in Section 16.10.280(1);
 - f) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 16.10.240(2);
 - g) The structure shall have low damage potential; ~~and~~
 - h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; ~~and~~
 - i) The structure shall not be used for human habitation.
- 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 16.10.240.
- 3) Upon completion of the structure, certification that the requirement of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

16.10.279 AE and A1-30 Zones with Base Flood Elevations but No Floodways.

In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the ~~community~~town of Twisp's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the ~~community~~town of Twisp.

16.10.280 Floodways.

Located within areas of special flood hazard established in TMC 16.10.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, and the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge;
- (2) Construction or reconstruction of residential structures is prohibited within designated floodways, except for: (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either: (i) before the repair or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing violations of local

health, sanitary, or safety codes which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places may be excluded in the 50 percent;

(3) If subsection (1) of this section is satisfied or construction is allowed pursuant to subsection (2) of this section, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this articleChapter. (Ord. 567 § 7, 2006; Ord. 333 § 5.3, 1988)

16.10.290 Encroachments.

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 333 § 5.4, 1988)

16.10.300 Wetlands management.

To the maximum extent possible, avoid the short term and long-term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process should be implemented:

- (1) Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain;
- (2) Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands ability to reduce flood and storm drainage;
- (3) Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the National Wetlands Inventory (NWI) can be used in conjunction with the community's town of Twisp's FIRM to prepare an overlay zone indicating critical wetland areas deserving special attention. (Ord. 333 § 5.5, 1988)

16.10.310 Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRM'S as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code chapter these areas, the following additional provisions apply:

- (1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site to one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in TMC 16.10.250(3).
- (3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 333 § 5.6, 1988)

(4) Recreational vehicles placed on sites within AO zones on the town of Twispcommunity's FIRM either:

- (a) Be on the site fewer than 180 consecutive days, or

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes in Section 16.10.270.

WARRANT/CHECK REGISTER

Town Of Twisp

Time: 08:50:26 Date: 03/10/2023

03/14/2023 To: 03/14/2023

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
503	03/14/2023	Claims	1	37682	Cascade Concrete	958.35	
504	03/14/2023	Claims	1	37683	Cascade Pipe & Feed Supply, Inc	52.32	
505	03/14/2023	Claims	1	37684	CenturyLink Communications, LLC	403.74	
506	03/14/2023	Claims	1	37685	Code Publishing Company, Inc.	79.90	
507	03/14/2023	Claims	1	37686	Hank's Market	79.15	
508	03/14/2023	Claims	1	37687	Jess Auto	218.79	
509	03/14/2023	Claims	1	37688	Lloyd Logging Inc.	4,864.33	
510	03/14/2023	Claims	1	37689	Methow Valley News Publishing LLC	638.53	
511	03/14/2023	Claims	1	37690	Methownet.com	770.00	
512	03/14/2023	Claims	1	37691	Ok Dept. Emergency	3,694.44	
513	03/14/2023	Claims	1	37692	Okanogan County Building Dept.	360.00	
514	03/14/2023	Claims	1	37693	Okanogan County Public Health	260.00	
515	03/14/2023	Claims	1	37694	Owen Equipment Company	1,689.79	
516	03/14/2023	Claims	1	37695	P.O.W. Contracting	26,482.65	
517	03/14/2023	Claims	1	37696	PUD No 1 of Okanogan County	7,509.53	
518	03/14/2023	Claims	1	37697	RLI	250.00	
519	03/14/2023	Claims	1	37698	Kevin E Sackman	123.73	
520	03/14/2023	Claims	1	37699	Shred-it	46.24	
521	03/14/2023	Claims	1	37700	Sirchie Finger Print Labaoratories	123.40	
522	03/14/2023	Claims	1	37701	T-O Engineers, Inc	915.00	
523	03/14/2023	Claims	1	37702	Utilities Underground	2.58	
524	03/14/2023	Claims	1	37703	Verizon Wireless	666.22	
525	03/14/2023	Claims	1	37704	W. Scott DeTro	2,759.54	
526	03/14/2023	Claims	1	37705	WasteWise Methow	500.62	
527	03/14/2023	Claims	1	37706	Whitley Fuel LLC	1,434.07	
						10,148.88	001 General Fund
						8,154.78	101 Street Fund
						276.34	103 Tourism 2%
						958.35	309 Civic Building/EOC
						2,689.96	401 Water Fund
						5,276.23	404 Sewer Fund
						27,378.38	407 Collection System Improvements
						<hr style="width: 100%; border: 0.5px solid black;"/>	
						54,882.92	Claims:
						54,882.92	54,882.92

Town of Twisp

Council Minutes – 10-25-22

Mayor Ing-Moody called the video conference meeting to order at 5:30 pm.

Council Members present via phone/video:

Hans Smith
Katrina Auburn
Alan Caswell
Mark Easton
Aaron Studen

Council Members absent:

Pledge of Allegiance:

Council Member Caswell led the Pledge of Allegiance.

Additions/Deletions to the Agenda:

N/A

Public Comment:

No public comments were submitted or given.

Mayor's Report:

Mayor Ing-Moody reported that the Grand Opening and Ribbon Cutting ceremony for the new Twisp Civic Building is planned for Saturday. She thanked Council and Staff in advance for their participation. Speakers have been lined up for the event, and Mindy Irvine has been hired by the Twisp Chamber as the event coordinator. There have been delays in construction and the paving is weather dependent but scheduled to be done in time for the event. There is a backup plan in place in case of delays.

Staff Reports:

Director Denham reported that the findings from the income survey performed by Evergreen Rural Water are very favorable for the Town of Twisp and should significantly increase the grant portion of the Wastewater Treatment Plant project. The final report will be compiled and submitted to State funding agencies next month. The standby generator at the treatment plant malfunctioned, so a backup generator has been rented and placed on site. The Public Works department is advertising for an operator position. He commended the Public Works crew for their outstanding performance in his absence as he's dealt with family matters. The Cascade Loop project construction is completed, and he is satisfied with the result. The Lift Station #3 upgrade is 90% complete and online.

Chief Budrow reported that with Halloween on Monday Burgar street will be shut down as normal and extra patrols will be on duty.

Committee, Commission and Board Reports:

Council Member Easton reported on the Chamber Meeting. Twisp VIC staff attended the Washington State Tourism Conference. The Chamber intends to present their 2023 budget request to the Twisp Council in November. Sarah Brown of TwispWorks reported that the Methow Investment Network (MIN) has funded four new businesses in the Valley, three of which are in Twisp. The Chamber also discussed the empty buildings on Glover Street and what the Town and Chamber can do to support businesses or use of the space.

Council Member Caswell reported on the Planning Commission (PC) meeting. Public comment was received about the draft sign code with questions about catering to “dark sky” wishes and how that might conflict with security lights for businesses. The PC assigned each commissioner a specific type of sign to review based on data from the sign inventory. The PC will also be looking for approval for the Flood Damage Prevention code updates, to be addressed on a later council agenda item. The Shoreline Master plan update will have an open house workshop, public hearings, and eventually a final draft to come before council approval in January or February.

Council Member Studen reported on the Parks & Rec (P&R) Committee meeting. The committee discussed the approved the P&R master plan and how they can start to implement and support some of the identified projects on the plan. The committee understands that they can’t move forward without Public Works and/or Council approval on some of the projects. They intend to submit a letter of priorities with the hopes that Council will approve work/expenditures in the FY23 budget for identified projects. Sarah Schrock has stepped down as the Chair of the committee and Nick Hershenow has been appointed as the new Chair.

Discussion/Action: Chapter 16.10 TMC Flood Damage Prevention Amendments

Planner Danison gave background on the proposed amendments. The Department of Ecology informed the Town that it needed to be updated to maintain State and Federal Compliance. Updates are mandatory if the Town wishes to remain in the Federal Flood Insurance Program. A redline version of the document was provided and reviewed by the Planning Commission (PC). All proposed changes were accepted by the PC, the largest of which relates to structure sizes and requirements on permitting. The recommendation from PC is to approve the draft and submit it to the Department of Commerce for review.

Council Member Smith noted that the variance allowances are relatively narrow. With future work being proposed in Twisp in the shoreline and floodplain areas, he wants to be sure that adopting this doesn’t negatively impact opportunities for habitat restoration. He requests time to review the proposed language in depth and ensure that it does allow Town participation in potential restoration action. The Council requested that this item be brought back for action on a subsequent agenda.

Discussion/Action: NCW Narcotics Task Force 2023 Agreement

Council Member Easton made a motion to approve the NCW Narcotics Task Force 2023 Agreement as presented. Council Member Smith seconded the motion. The motion passed unanimously.

Consent Agenda:

- Accounts Payable/Payroll

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the Town Council. The following voucher/checks are approved for payment by a majority vote on this 25th day of October 2022.

Payroll	EFT # 2299-2305, 2323-4	15,331.29	10/25/22
EFTS	EFT # 2277-79, 2306, 2327, 2340	12,326.96	10/25/22
Accounts Payable	Warrant # 37346-37388	687,426.13	10/25/22

Council Member Easton moved to approve the consent agenda as presented. The motion was seconded by Council Member Auburn and passed unanimously.

Adjournment:

There being no further business to come before the Council, Mayor Ing-Moody adjourned the meeting at 6:25 pm.

APPROVED:

Mayor Soo Ing-Moody

ATTEST:

Clerk/Treasurer Randy Kilmer

Town of Twisp

Council Minutes – 11-08-22

Mayor Ing-Moody called the meeting to order at 5:30 pm.

Council Members present via phone/video:

Hans Smith
Katrina Auburn
Alan Caswell
Mark Easton
Aaron Studen

Council Members absent:

Pledge of Allegiance:

Council Member Caswell led the Pledge of Allegiance.

Additions/Deletions to the Agenda:

N/A

Public Comment:

No public comments were submitted or given.

Mayor's Report:

Mayor Ing-Moody reported that Town staff have been working around the clock in shifts managing the snowfall. She acknowledged how happy we are to be meeting in the new council chambers for the first time, and asked all to bear with any hiccups as we learn the new AV technology. Progress is being made in staffing the vacancies in the clerk's office and public works, and that the new hires will be on the job soon. Staff is also very busy with budget season including upcoming public hearings.

Staff Reports:

Chief Budrow reported that the winter weather has caused numerous car accidents in the area. He complimented public works staff for the great job they've done clearing the roads. Twisp Public Development has assisted county with a few calls, but there have not been many calls in Twisp town limits.

Clerk Kilmer reported that interviews for the Deputy Clerk position went well. There were multiple qualified candidates, and a decision and job offer will be made soon.

Committee, Commission and Board Reports:

Council Member Smith reported on the Finance Committee meeting. The committee met briefly to discuss the 2023 budget and looked at revenue projection. No specific budget numbers were given, but the budgeting objectives for the year were discussed, including retaining and recruiting skilled staff

members. The Town has seen generally consistent revenues in 2022. The 2023 budget may be light in the programming detail but an early FY23 budget amendment is anticipated once the council has a retreat to work on priorities in more detail.

Finance Committee also discussed the proposed Milltown Annexation. A draft pre-annexation agreement is in the works and will come before council once it is completed.

Council Member Easton reported on recent meetings held on the Housing Action Plan project. These meetings were hosted by Beckwith Consultants to collect information from developers, architects, and builders on their perspective of housing and needs in the valley.

Council Member Caswell reported on the Public Works Committee meeting. Discussions were had on the Capital Facility plan and Development Standards. Both topics are on the agenda for action tonight.

Discussion/Action: Twisp Chamber of Commerce 2023 Budget Request – Don Linnertz

Twisp Chamber of Commerce Chair, Don Linnertz attended the meeting remotely to present the 2023 budget request to the Council. The Chamber is requesting \$30,000 from the Town in 2023. The Chamber is working hard to pursue other revenue sources as their costs have gone up significantly. Plans for Twisp funds include prioritizing the Creative District, Town events, updating the VIC, and supporting the local business community.

Council Member Easton as liaison to the Twisp Chamber reported that they are doing a good job promoting the town and gave specific commendation to the Chamber's marketing director, Jamie Pettito. Mayor Ing-Moody thanked the Chamber for their support and effort in the grand opening for the new Civic Building.

Council Member Studen made a motion to approve the Twisp Chamber of Commerce Budget Request for 2023 in the amount of \$30,000. Council Member Easton seconded the motion. The motion was passed unanimously.

Discussion/Action: Parks & Recreation Commission Update – Nick Hershenow, Chair

Parks & Recreation (P&R) Commission Chair Nick Hershenow presented a letter from the Commission requesting next steps and priorities for the P&R Commission from the Council.

Council Member Smith noted that many of the listed projects from the P&R letter have been discussed by the Public Works commission. There were concerns based on all the other projects slated for 2023 that there may not be staff or resources to take on more. He appreciates the offer of volunteer work from the P&R commissioners and notes that these projects even with volunteer support do require significant investment of Town resources. He feels that the Council is not fully able to engage the P&R commission about next steps until end of year financials are completed and the Council has had time to discuss priorities at their retreat.

Mayor Ing-Moody voiced her appreciation to the P&R committee for their work and assured them that these projects will be seriously considered, and direction will be given back to the P&R committee as soon as the town is in a position to do so.

Discussion/Action: Chapter 16.10 TMC Flood Damage Prevention Amendments

Council Member Smith made a motion to approve the Chapter 16.10 TMC Flood Damage Prevention Amendments as presented and submit them for review. Council Member Easton seconded the motion. The motion was passed unanimously.

Discussion/Action: Resolution #22-697 - Twisp Development Standards

Director Denham reported on the proposed changes to the Development Standards. Changes to type 5 would allow for one way traffic in certain developments where appropriate. This would be relevant to some developments currently in the works, and use of this provision would be contingent upon staff review.

Council Member Easton made a motion to Resolution #22-697 - Twisp Development Standards as presented. Council Member Caswell seconded the motion. The motion was passed unanimously.

Discussion/Action: Capital Facility Plan 2023-28

Council reviewed the proposed CFP 2023-28. This item will come back at the next Council meeting for a public hearing and action.

Discussion/Action: Vehicle Surplus

Council Member Smith made a motion to approve surplus of the assets as presented. Council Member Easton seconded the motion. The motion was passed unanimously.

Consent Agenda:

- Accounts Payable/Payroll
- Minutes – 09/13/22, 10/11/22

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the Town Council. The following voucher/checks are approved for payment by a majority vote on this 8th day of October 2022.

Payroll	EFT # 2414-26, 2496-2498	55,438.76	11/08/22
Accounts Payable	Warrant # 37389-37428	483,813.46	11/08/22

Council Member Easton moved to approve the consent agenda as presented. The motion was seconded by Council Member Caswell and passed unanimously.

Adjournment:

There being no further business to come before the Council, Mayor Ing-Moody adjourned the meeting at 6:48 pm.

APPROVED:

Mayor Ing-Moody

ATTEST:

Clerk/Treasurer Randy Kilmer

Town of Twisp

Council Minutes – 11-22-22

Mayor Ing-Moody called the meeting to order at 5:30 pm.

Council Members present via phone/video:

Hans Smith
Katrina Auburn
Alan Caswell
Mark Easton
Aaron Studen

Council Members absent:

Pledge of Allegiance:

Council Member Smith led the Pledge of Allegiance.

Additions/Deletions to the Agenda:

N/A

Public Comment:

Barry Stromberger of Burgar Street commented on two items. First, he encouraged Council to renew the nightly rental moratorium for another six months. He appreciates that there are no exemptions for commercial zoning. He feels that the priority for housing should be for local primary residents to rent or buy, and to mitigate the loss of a good residential neighborhood atmosphere.

Second, he is in favor of the Milltown Annexation, however he does have concerns that the Town has adequate water rights and sewer treatment capacity to deal with all the growth in town. He does not want to see developers add cost to existing town residents.

Morgan Sicilia commented in support of the nightly rental moratorium, the desire to keep neighborhoods intact, and prioritizing housing for locals.

Paula Mackrow commented in favor of the Milltown annexation request and is happy the Konrads have stepped up to develop this property. She shares the same concerns for the project as Barry and is hoping that the density expectations are addressed via a zoning overlay.

Isabell Spohn likes the idea of affordable housing and applauds the Konrad's intentions. She has lots of questions that she hopes are answered by the presentation on the proposed development. She agrees with Barry's concerns on water capacity and would like to see the results of the Housing Action Plan before any developments are approved. She is in full support of the nightly rental moratorium.

Public Hearings:

2023 Preliminary Budget Hearing

Mayor Ing- Moody opened the Public Hearing at 5:48 pm.

She asked Council if anyone would like to comment on the budget. There were no comments. She then asked if anyone in the audience would like to make a comment. She asked that they state their name for the record. There were no comments from the public.

She reported that a balanced budget has been presented but is subject to change as the year progresses and we have a better projection of final 2022 balances. Federal and State revenue projections have been considered with this budget as issues of inflation and rising costs are affecting all. This year it is expected that some O&M reserves may need to be used, but as minimally as possible. Department Heads and the Finance Committee will continue to work on the final budget in the coming weeks before adoption.

Director Denham reported on the proposed water/sewer rate increase of 5.5%. Increased costs of operation, staffing, equipment maintenance, and scheduled projects for 2023 underscore the need for the increase. He noted that Twisp rates remain in the middle of comparable public utility providers in the area, and that the requested increase is similar to what has been proposed by other providers. He's happy to report that the projects completed in the last five years have had a tremendous grant/loan ratio in the Town's favor and that Twisp has above average infrastructure with average rates due to the work the administration and Council have put into these projects.

Mayor Ing-Moody closed the public hearing at 6:00 pm.

2023 Property Tax Levy

Mayor Ing- Moody opened the Public Hearing at 6:00 pm.

She asked Council if anyone would like to comment on the property tax levy. There were no comments. She then asked if anyone in the audience would like to make a comment. She asked that anyone interested please state their name for the record. There were no comments from the public.

Mayor Ing-Moody closed the public hearing at 6:01 pm.

2023 EMS Levy

Mayor Ing- Moody opened the Public Hearing at 5:01 pm.

She asked Council if anyone would like to comment on the EMS Levy. There were no comments. She then asked if anyone in the audience would like to make a comment; and to state their name for the record.

Cindy Button of Aero Methow commented in support of the 2023 levy and thanked the Council for their support of previous year's levies.

Mayor Ing-Moody closed the public hearing at 6:04 pm.

2023-28 Capital Facility Plan

Mayor Ing- Moody opened the Public Hearing at 6:05 pm.

She asked Council if anyone would like to comment on the capital facility plan. There were no comments. She then asked if anyone in the audience would like to make a comment; she asked that anyone interested please state their name for the record.

Ellen Aagaard commented on the parks portion of the capital facility plan, specifically Maves Park and the Burton Street / river access site. She'd like to see bike racks and art added to Maves Park. She'd like to see signage at the end of Burton Street for river access as well as considerations for the disabled use of the site.

Mayor Ing-Moody closed the public hearing at 6:09 pm.

Nightly Rental Moratorium

Mayor Ing- Moody opened the Public Hearing at 6:13 pm.

She asked Council if anyone would like to comment on the nightly rental moratorium. There were no comments. She then asked if anyone in the audience would like to make a comment to please state their name for the record.

Paula Mackrow commented her concerns that the process has not been very transparent as she understands a Council sub-committee has been working on it without much public involvement. She notes that citizens have expressed a desire to be involved in the solution and help to establish priorities to mitigate the loss of neighborhood atmospheres. She appreciates the extension of the moratorium as proposed.

Mayor Ing-Moody closed the public hearing at 6:17 pm.

Discussion/Action: Ordinance #789 - 2023 Property Tax Levy

Council Member Smith made a motion to approve Ordinance #789 - 2023 Property Tax Levy. Council Member Easton seconded the motion. The motion was passed unanimously.

Discussion/Action: Ordinance #790 - 2023 EMS Levy

Council Member Smith made a motion to approve #790 - 2023 EMS Levy. Council Member Auburn seconded the motion. The motion was passed unanimously.

Discussion/Action: Resolution #22-698 - 2023-28 Capital Facility Plan

Council Member Smith made a motion to approve Resolution #22-698 - 2023-28 Capital Facility Plan. Council Member Auburn seconded the motion. The motion was passed unanimously.

Mayor's Report:

Mayor Ing-Moody reported that finalizing the FY23 budget is taking most of the staff's time now, as well as completing tasks associated with moving into the new building and ensuring ongoing operations. She is thankful for the diligent work of staff to make progress on the numerous projects the Town has going now.

Staff Reports:

Director Denham is excited to report that Public Works is now fully staffed, and the new operator starts next week. Snow removal continues to be taxing to the crew and recent weather events have been so extreme that it took three times the amount of time to clear as compared to usual snowfall periods. A standby generator failure at the wastewater treatment plant has necessitated the rental of a backup generator. Staff training at the WWTP has continued and the new lift station is functioning flawlessly. Department of Health did a sanitary survey, completed once every five years, and Twisp received extraordinarily high marks. The engineer who performed the survey had great things to say about the Public Works staff. Director Denham is very proud of the work they've done and their ability to operate even in his absence.

Clerk Kilmer reported that new staff training is going well. The new website is now live and he appreciates any input or suggestions on the content therein.

Committee, Commission and Board Reports:

Council Member Auburn reported that the recent Planning Commission meeting was held in regard to the draft sign code and is on the agenda for discussion tonight.

Council Member Easton reported on the Chamber meeting. Mistletoe Madness is scheduled for 12/9/22 from 4-7pm. Updates to the VIC were discussed with talk about inclusion of public restrooms. That discussion may be had with the TERC as well.

Council Member Smith reported on the Finance Committee meeting. Discussions were had with Gary Scott as a representative of the Konrads in the Milltown Annexation proposal. They are looking for feedback on some items in the proposal and still working with the Committee on the pre-annexation agreement. This item is on the agenda tonight.

Council Member Studen reported on the Public Safety Committee meeting wherein they reviewed and updated the most recent draft agreement for annexation with Fire District 6. Talks were also had about finding a replacement for the Twisp Police Chief with Chief Budrow's resignation expected due to his election as Okanogan County Sheriff. The committee is wanting to make sure the proper time is taken to find a suitable replacement, though plans will be put into place for an interim chief.

Council Member Auburn reported on the Twisp Airport Advisory Board. Discussions were continued on the request for a fuel depot and recommendations on hangar lease rates.

Discussion/Action: Milltown Annexation – Gary Scott

Gary Scott, representative of the Konrads and the Milltown Annexation request shared a slideshow and presented the proposal to the Council. This slideshow is available upon request. Currently the Finance Committee and the Milltown group have been meeting to develop a pre-annexation agreement to set the terms moving forward. It has been agreed that the amount of Equivalency Residential Units (ERUs) created by project beyond town limits will be the basis for assessing an impact charge against the future loan for the Wastewater Treatment Plant (WWPT) upgrade.

Council Member Smith explained the mitigation fee. The upgrades to the new WWTP are designed with Twisp's 20-year growth projections in mind. That equals 373 ERUs projected within existing town limits. The land being proposed for annexation along with the proposed development would consume ERUs

projected from the current town limits. The fee is to mitigate the impacts of the proposed annexation on current residents of Twisp.

Gary Scott also discussed variances from Town standards when it comes to open space, building height, and parking. These are items that would be sorted out in the Planned Development process and reviewed by the Planning commission.

Mayor Ing-Moody thanked Gary Scott and the Konrads for their time, effort, and funds into this project and assured them the Town will continue to move forward to consider this development through the necessary steps.

Discussion/Action: Sign Code Recommendations

Planning Commission Chair John Battle reported on the final draft of the sign code recommendations as presented to council. Planning Commission believes that it addresses all directions Council had previously provided, and brings an effective, safe, consistent, and visually pleasing solution to enhance the rural character of Twisp. It does not restrict style but does restrict size, type, and location. Use of internally lit signs has been a big topic of debate in the process of creating the draft. Another consideration is enforcement of the code if it is adopted. Nothing proposed in the code will enforce revisions on existing signs. This draft will need review, ordinance drafting, and a public hearing before potential adoption.

Council Member Smith believes that the Town needs to be conscientious of enforcement and administration as to who is going to have those responsibilities. He would like to give administration time to look at potential impacts on passing this. This doesn't represent an opinion that the recommendations are flawed, just that enforcement needs to be considered. He requests that it come back to Council after a staff review.

Mayor Ing-Moody will add it to a future agenda after the TERC and administrative staff take a look. At this time there is no further work the Planning Commission needs to do on the matter until otherwise directed. She thanked John and the commission for their diligent work on the recommendations.

Discussion/Action: Ordinance #791 - Nightly Rental Moratorium

Council Member Smith made a motion to approve Ordinance #791 - Nightly Rental Moratorium. Council Member Easton seconded the motion. The motion was passed unanimously.

Discussion/Action: Ordinance #792 - TMC 10.20.090 – Parking

Council Member Smith made a motion to approve Ordinance #792 - TMC 10.20.090 – Parking. Council Member Easton seconded the motion. The motion was passed unanimously.

Discussion/Action: Twisp/Okanogan County – Interlocal Agreement for Building Inspection Services

Council Member Smith made a motion to approve the Twisp/Okanogan County – Interlocal Agreement for Building Inspection Services. Council Member Auburn seconded the motion. The motion was passed unanimously.

Discussion/Action: OCOG Representative Alternate Appointment

Council Member Smith made a motion for Alan Caswell to be the OCOG Representative Alternate for the Town of Twisp. Council Member Auburn seconded the motion. The motion was passed unanimously.

Consent Agenda:

- Accounts Payable/Payroll

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the Town Council. The following voucher/checks are approved for payment by a majority vote on this 22nd day of November 2022.

Payroll	EFT # 2637-8	22,638.90	11/22/22
Accounts Payable	Warrant # 37430-37463	171,635.32	11-22-22

Council Member Caswell moved to approve the consent agenda as presented. The motion was seconded by Council Member Easton and passed unanimously.

Adjournment:

There being no further business to come before the Council, Mayor Ing-Moody adjourned the meeting at 8:20 pm.

APPROVED:

Mayor Ing-Moody

ATTEST:

Clerk/Treasurer Randy Kilmer

Town of Twisp

Council Minutes – 01/11/23

Mayor Ing-Moody called the meeting to order at 5:35pm.

Council Members present: Alan Caswell
 Katrina Auburn
 Mark Easton
 Hans Smith
 Aaron Studen

Council Member absent:

Pledge of Allegiance

Council Member Studen led the Pledge of Allegiance.

Request for Additions or Deletions to the Agenda

Additions: **Letter of Support Okanogan County PUD;**
 Letter of Support Okanogan County Electric Coop

Public Comment Period (Up to Three Minutes):

Shirlee Evans, Methow Recycles: She is a member of the Methow Recycles Board, and the board has decided they want to reach out to work with more local utility suppliers, including the Town which offers several utility services, including water, sewer, and snow removal. Methow Recycles provides materials collection for reuse in recycling. In her view, both Methow Recycles and the Town are non-profits that serve to benefit the local community. She said that Methow Recycles strives to deliver the best service in the most economical way and are asking for ways that Methow Recycles can cooperate with the Town to provide a better service to the Town and the people. Shirlee Evans can be reached through Sarah Jo Lightner, who is the executive director. She thanks the council for giving her the opportunity to attend and introduce herself.

Mayor Ing-Moody responded thanking her for the service Methow Recycles provides to the community as she believes it to be a valuable asset to the community.

Shirlee responded that Methow Recycles will keep trying to be better and she may not be able to attend council meetings in person but will be joining online when possible; she is very glad to see the Town using online resources.

Mayor's Report

Mayor Ing-Moody reported that snow seems to be the biggest issue at the moment, and that Director Denham will be sharing a report at this meeting. She is asking community members to be patient with staff working on snow removal. Mayor Ing-Moody introduced the Town's new Interim police chief as Officer Ty Sheehan and that she has been working closely with him since Chief Budrow's departure. Officer Sheehan responded saying he is excited to be working with Mayor Ing-Moody and that he and Officer Purtell will be working hard to keep things running smoothly.

Staff Reports

Director Denham reported that Public Works is in the middle of several plan reviews including the 60% design for the Wastewater Treatment plant, and the 75% Sewer Collection System designs. He shared that there is a lot going on with just these 2 reviews, in addition to other developer plans in the works. He reported that the public works crew is extremely busy. This week he will be working at the Wastewater treatment plant, operating it, as another crew member is added to plow and remove snow. It is all hands-on deck with snow removal being top priority. The crew is not just working on removal and clean up, but also sanding and lots of other challenges that have come up. They are doing everything they can and would appreciate help from the community. Director Denham stated that the community might not be aware that they start plowing at midnight and they can be going to 2pm or longer depending on snow situations. Director Denham has also been out helping in the field as well. Crews are working weekends as well as during the week, doing absolutely everything that they can. Director Denham reported the hiring of private contractors to help with snow removal and clean up including with berms, grading, and plowing as our equipment is not big enough for some of the tasks. Public Works is aware that the streets are narrow, and that they are working on widening them when they have the chance. He shared that widening streets is a difficult task to do during the day due to the size of the equipment and traffic; stating that the easiest time of the day to do this is also the most dangerous time to do so. A way for residents to help the process would be to yield to the crew and to be patient. Director Denham also stated that snow sluffs have been an issue and that if a resident's snow sluffs into right of way to get it cleared as soon as possible for safety reasons. He shared that another way to help is as a contractor is hired to clear your roof, to also have a contractor be clearing the snow so that it doesn't stay in public rights of way. Snow should be cleared right away. He also asked residents to not put snow from their driveway into the road after it has been plowed as it creates a dangerous situation for others.; drivers can hit the pile not expecting it and get hurt. Director Denham said that these are just a few items that the community can do to help. He also asked that we be cordial and understand that the guys and gals are doing everything they can to get things taken care of in a timely manner.

Mayor Ing-Moody responded saying that she knows how much crews are working, and that this year has been extreme. She appreciates Director Denham putting together talking points to show what role that everyone plays. She thanks the crew for all the hard work being done.

Council Member Easton responded saying that the meter across street from him froze, and that it was Director Denham that came out and worked hard to get it fixed. He thanked him for his hard work. Council Member Easton asked if more meters had froze, and what can be done in the future to stop that from happening. Director Denham responded that as the crew encounters those, they make a list of it to add more insulation so as to keep them warm. He noted that on that particular day that meter was the third one. There was a total of six or seven this winter, which is less than normal, due to the replacement of meters and having installed them deeper. He shared that there is one meter that they have not been able to thaw even after a week and are now moving to the next step of digging. This was a worst-case scenario as the residence was vacant for the coldest week of the year, so no water had been running at all. Council Member Easton asked if letting faucets drip helps at all. Director Denham said that it does, and a lot of people do it, which we can see on a chart showing water usage going up, but everything is back to

normal now. Other ways to prevent freezing is to keep snow on top of the meter for extra insulation. It is rare for a meter to freeze, but if cleared off and driven on it could freeze.

Council Member Studen asked if driving over a meter is a factor of freezing or if it's only when snow is cleared and driven over. Director Denham responded that this has been discussed with many boards and it is common thought that driving over a cleared shallow line or meter can drive the colder temps to meter causing it to freeze.

Council Member Auburn thanked everyone for all the hard work being done. Director Denham stated that he does get the emails thanking them and that it does make a difference as well as the in-person thanks that they get.

Mayor Ing-Moody reiterated that Public Works is very busy with many tasks on a given day and asked that if there is something that people are aware of that needs attention to please tell us so that we can get it taken care of; she asks that people be patient and kind when reporting needs.

Clerk Kilmer reported that dog licenses are up for renewal and that reminders had been sent out in the mail. He asked residents to let the town know if your dog has passed away, so that they can be removed from the system. The cost goes up after January 31st and asks that residents renew sooner the better. Mayor Ing-Moody stated that dog licenses help owners should their dog runaway as it helps officers to reunite pets to their owners. Clerk Kilmer supported this statement, saying that it is easier to get dogs home as the address is already on file; especially important since we do not have a pound in Twisp.

Commission/Committee/Board Reports

Council Member Caswell reported that he attended the Okanogan Council of Governments (OCOG) meeting virtually. This was his first meeting. The discussion mainly revolved around grant applications for TranGo, WSDOT, commuter routes, and replacement busses. There was an election of officers; only two positions were up. Chairmen Jon Neil was reelected for chair, Wayne Turner will retain his position, and the treasurer will continue to be Josh Thompson. There is a part time position open to represent OCOG at out-of-town meetings but discussion was mostly around who is going to provide insurance for this person. The meeting ended with a round table talking about route expansion for TranGo, hydrogen fuel stations promoted by Okanogan County PUD that Okanogan County is trying for zero emissions for public transport.

Mayor Ing-Moody asked if the PUD is looking for a grant for the hydrogen fuel stations and if they are planning for themselves to have hydrogen vehicles storage capacity developed within the county. Council Member Caswell responded saying yes they are interested and are working towards it as they are just starting the project and don't know how long it will take.

Council Member Studen, who sits on the TranGo board, stated that Trango invests in zero emissions leads, and after investigations it has proven that electric options are not feasible given how long the routes are, but hydrogen is considered to potentially be more viable. It is believed that partnering with the PUD, who will offer the fuel, this is something that can be achieved. He shared that the technology is a ways off from Trango being able to power busses with hydrogen but it is something they are looking at.

OLD/NEW BUSINESS

Discussion/Action: Ordinance #795- Sewer Bond

Mayor Ing-Moody stated that this is a 915k bond, and that Stacie Amasaki from Foster Garvey is in attendance and can answer any questions the Council may have. Stacie Amasaki apologized for not attending in person, but glad she could join via video. She stated that this is a USDA bond, and that it will be payable in installments as well as having better interest rates compared to the Town's current bond.

Council Member Hans made a motion to adopt Ordinance #795 as presented. Council Member Studen seconded the motion. The motion was passed unanimously.

Discussion/Action: Ordinance #796- TMC 12.05.120 – Sidewalk Snow Removal

Clerk Kilmer stated that this Ordinance is to provide consistency as some portions of town code conflicted with other times, so it was decided to change the time of snow removal to be no later than 11:00.

Council Member Studen stated that the ordinance does not say AM in the document. He also asked about the sidewalks that Public Works clears and when those are done.

Director Denham responded that Public Works usually clears sidewalks at 4:00AM so they are done before business owners start clearing theirs.

Council Member Studen made a motion to adopt Ordinance #796 with addition of AM to the document. Council Member Auburn seconded the motion. The motion was passed unanimously.

Letter of Support PUD

Council Members questioned if this will help the Town and if they had any plans that the Town could look at. Mayor Ing- Moody responded that any communications infrastructure improvements in the valley will benefit the Town of Twisp. Specific details on the project application have not been shared with the Town at this time.

Council Member Studen made a motion to approve the PUD Letter of Support. Council Member Easton seconds. Council Member Smith abstained from voting. The motion was passed.

Letter of Support OCEC

Council Member Studen made a motion to approve the OCEC Letter of Support. Council Member Easton seconds. Council Member Smith abstained from voting. The motion was passed.

Consent Agenda

- Accounts Payable/Payroll

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the Town Council. The following voucher/checks are approved for payment by a majority vote on this 11th day of January 2023.

Accounts Payable	Checks #37537-37559	\$360,744.42	01/11/23
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Payroll	EFT Trans # 2933-2947, 2953-2955, 2957-2959	\$79,637.90	01/11/23
Accounts Payable	Checks #37560-37576	\$97,219.90	01/11/23

Council Member Caswell moved to approve the consent agenda as presented. The motion was seconded by Council Member Easton and passed.

Adjournment

There being no further business to come before the Council, Mayor Ing-Moody adjourned the meeting at 6:18pm.

APPROVED:

Mayor Soo Ing-Moody

ATTEST:

Clerk/Treasurer Randy Kilmer