



**Town of Twisp  
Council Meeting**

**Tuesday, June 13<sup>th</sup>, 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/181025597>**

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: [181-025-597](#)**

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](mailto: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](mailto: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, June 13<sup>th</sup>, 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**

**Public Hearing:**

- **Resolution #23-708 – Capital Facilities Plan 2024-2029**

**New/Old Business:**

- **Discussion/Action:** Orchard Hills Planned Development
- **Discussion/Action:** TranGo Ground Lease Agreement
- **Discussion/Action:** AWC Voting Delegate Appointment
- **Discussion/Action:** 4<sup>th</sup> of July Parade

**Consent Agenda:**

1. **Accounts Payable/Payroll**

**Adjournment**

**RESOLUTION #23-708**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TWISP,  
APPROVING THE SIX YEAR CAPITAL FACILITIES PLAN FOR  
2024 THROUGH 2029**

**WHEREAS**, a Capital Facilities Plan is essential in planning for capital expenditures and for the construction of public facilities; and

**WHEREAS**, a Capital Facilities Plan aids the Town in developing the needed financing for capital expenditures and the construction of public facilities in the application for grants and loans from state and federal programs; and

**WHEREAS**, the Town Council of the Town of Twisp, Washington, being the legislative body of said Town, did hold a public hearing on the review of the 2024 through 2029 Capital Facilities Plan on June 13<sup>th</sup>, 2023; and

**WHEREAS**, all comments regarding the 2024 through 2029 Capital Facilities Plan as prepared by the Town of Twisp, Washington, for capital expenditures and construction of public facilities within its jurisdictional boundaries were considered.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Twisp, Washington, that the revised and extended Six Year Capital Facilities Plan for the ensuing six calendar years, 2024 through 2029, is hereby adopted.

**Passed by the Town Council of the Town of Twisp, Washington, this 13<sup>th</sup> day of June, 2023.**

**APPROVED:**

\_\_\_\_\_  
Soo Ing-Moody, Mayor

**ATTEST:**

\_\_\_\_\_  
Clerk/Treasurer Randy Kilmer

## CAPITAL FACILITIES PLAN PARKS/RECREATION 202~~43~~

Town of Twisp Resolution #~~22-698~~

Project	Estimated Cost	2023 <del>4</del>	2024 <del>5</del>	202 <del>56</del>	202 <del>67</del>	202 <del>78</del>	202 <del>89</del> - 203 <del>89</del>	Proposed Funding Source	Priority Ranking
<del>Maves Park improvements, covered picnic area etc.</del>	<del>\$10,000</del>	<del>X</del>						<del>ARPA/Local</del>	<del>1</del>
<del>Replace or Rebuild Band Shell at Twisp Park</del>	<del>\$85,000</del>	<del>X</del>						<del>RCO local</del>	<del>1</del>
<del>Move trail at Twisp Park away from river</del>	<del>\$6,000</del>	<del>X</del>						<del>ARPA</del>	<del>2</del>
<del>Methow Street connector trail north of 5<sup>th</sup> Ave</del>	<del>\$2,000</del>	<del>X</del>						<del>Local</del>	<del>3</del>
<del>Maves Park improvements, covered picnic area etc.</del>	<del>\$10,000</del>		<del>X</del>					<del>ARPA/Local</del>	<del>4</del>
<del>Develop river access points</del>	<del>\$7,000</del>		<del>X</del>					<del>Local</del>	<del>25</del>
<del>Design phase 2 of sports complex</del>	<del>\$50,000</del>		<del>X</del>	<del>X</del>				<del>RCO</del>	<del>36</del>
<del>Replace Band Shell at Twisp Park</del>	<del>\$65,000</del>			<del>X</del>				<del>RCO local</del>	<del>4</del>
<del>Riverside connector trail to Airport Rd</del>	<del>\$120,000</del>				<del>X</del>			<del>RCO Local</del>	<del>7</del>
<del>Construction of sports complex Phase 2</del>	<del>\$2,000,000</del>				<del>X</del>	<del>X</del>		<del>RCO USDA/Local</del>	<del>58</del>

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CAPITAL FACILITIES PLAN PARKS/RECREATION 20243

Town of Twisp Resolution #22-698

Design and build public restrooms at Twisp Park	\$400,000					X	X	RCO USDA	69
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## CAPITAL FACILITIES PLAN TRANSPORTATION 2024

Town of Twisp Resolution #23-705

Project	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
*SR20 Curb/sidewalk/bike path-Twisp R bridge to N C/L. 2025' (.39mi).	\$1,900,000	X						WSDOT PBP/TIB	1
<u>Twisp Ave. from SR20 to Glover-200' (.05mi). Overlay. PCR-59</u>	<u>\$71,820</u>		<u>X</u>					<u>TIB/TBD</u>	<u>2</u>
<u>Glover Street from 3<sup>rd</sup> Ave to Twisp Ave-525'. Overlay.</u>	<u>\$188,525</u>		<u>X</u>					<u>TIB/TBD</u>	<u>2</u>
<u>Glover Street Sidewalk replacement from 3rd Ave to Twisp Ave both sides of street and ADA curb ramps where needed. &amp; South side of Twisp Ave</u>	<u>\$377,995</u>		<u>X</u>					<u>TIB/TBD/Complete Streets</u>	<u>2</u>
<u>Painters Emergency Secondary Egress</u>	<u>\$479,598</u>		<u>X</u>	<u>X</u>				<u>PWB/ULID</u>	<u>3</u>
4 <sup>th</sup> St. from Lincoln to E end- 106' (.02mi). 2 coat chip seal. PCR- not rated/gravel	\$2,650	X						TBD	<u>24</u>
Alder St. from 5 <sup>th</sup> to N end- 422' (.08mi). Grind/2 coat chip seal.	\$10,600	X						TBD	<u>24</u>

~~TAP=Transportation Alternative~~ ATP= Active Transportation Program TBD= Twisp Transportation Benefit District TIP=Transportation Improvement Program TIB=Transportation Improvement Board

RCO= Recreation and Conservation Office STBG=Surface Transportation Block Grant PBP=Pedestrian Bicycle Program

\*Funded

\*\*Funding Application Submitted

## CAPITAL FACILITIES PLAN TRANSPORTATION 2024

Town of Twisp Resolution #23-705

Project	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
Alder St. from 5 <sup>th</sup> to SR20- 844' (.16mi). Grind/chip seal. PCR-60	\$21,100	X						TBD	<del>24</del>
Bridge St. from 5 <sup>th</sup> to N end- 528' (.10mi). Grind/2 coat chip seal. PCR-52	\$13,200	X						TBD	<del>24</del>
Bridge St. from 5 <sup>th</sup> to S end- 686' (.13mi). Grind/2 coat chip seal. PCR-52	\$17,150	X						TBD	<del>24</del>
Methow St. from 5 <sup>th</sup> to N end- 158' (.03mi). Grind/2 coat chip seal. PCR-34	\$3,950	X						TBD	<del>24</del>
Webb Ln. from 5th to SR20- 845' (.16mi). Grind/2 coat chip seal. PCR-53	\$21,125	X						TBD	<del>24</del>
<del>Twisp Ave. from SR20 to Glover- 200' (.05mi). Overlay. PCR-59</del>	<del>\$173,187</del>		X					<del>TIB/TBD</del>	<del>4</del>
Move SR20 crossing at Twisp Ave from south of intersection to north	\$7,500		X					TIB/TBD	<del>45</del>
<del>Glover Street from SR20 to Twisp Ave-1420'. Overlay.</del>	<del>\$1,159,024</del>		X					<del>TIB/TBD</del>	<del>3</del>
<del>Glover Street Sidewalk replacement from post-office to</del>	<del>\$370,243</del>		X					<del>TIB/TBD/ Complete Streets</del>	<del>3</del>

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Project	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
<del>Twisp Ave both sides of street and ADA curb ramps where needed.</del>									
Pave Twisp Ave parking lot	\$34,000		X					TBD	<del>36</del>
SR20/Glover St intersection improvement engineering and design	<del>\$</del> \$525,000			X				WSDOT/RTPO	<del>47</del>
Methow St. from 6 <sup>th</sup> to N end- 211' (.04mi). 2 coat chip seal. PCR- not rated/gravel	\$5,300			X				TBD	<del>58</del>
6 <sup>th</sup> Ave from Methow to Canyon- 264' (.05mi). 2 coat chip seal. PCR- not rated/gravel	\$8,800			X				TBD	<del>58</del>
Alley from SR20 to Johnson-313' (.06mi). 2 coat chip seal. PCR- not rated/gravel.	\$10,500			X				TBD	<del>58</del>
Ewell St. from Riverside to WWTP- 475' (.09mi). 2 coat chip seal. PCR- unrated/gravel	\$14,000			X				TBD	<del>58</del>
Evergreen Loop from Riverside- 800' 2 coat chip seal. PCR- unrated/gravel	\$26,000			X				TBD	<del>58</del>
SR20/Glover St intersection improvement construction and property acquisition	\$4,500,000				X			WSDOT/RTPO	<del>69</del>

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Town of Twisp Resolution #23-705

Project	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
Twisp Airport access rd. from Airport RD to Airport- 1214' (.23mi). Grind/2 coat chip seal. PCR-50	\$31,000				X			TBD	<del>7</del> <u>10</u>
Twisp Carlton rd. from SR20 to S City limit-845' (.16mi). 2 coat chip seal. PCR-not rated	\$28,000				X			TIB/TBD	<del>8</del> <u>11</u>
SR20 Curbing/sidewalk- Canyon to Glover and Glover to 5th. 850' (.16mi).	\$600,000					X		WSDOT PBP	<del>9</del> <u>12</u>
Anderson Rd. from Peters to end- 975' (.18mi). 2 coat chip seal. Not rated	\$32,000					X		TBD	<del>10</del> <u>13</u>
Peters Rd. from Burgar to Anderson-230' (.04mi). 2 coat chip seal. Not rated	\$7,600					X		TBD	<del>10</del> <u>13</u>

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## CAPITAL FACILITIES PLAN WATER SYSTEM 2024

Town of Twisp Resolution #23-705

Project	Estimated Cost	<del>2024</del> 2024	<del>2025</del> 2025	<del>2026</del> 2026	<del>2027</del> 2027	<del>2028</del> 2028	2029-2039	Proposed Funding Source	Priority Ranking
Install generator and VFD to Well 4	\$52,000	X						Local	1
Water main and service replacement on Glover Street and Twisp Ave	\$1,032,154		X					<del>USDA</del> /PWB	2
Water system plan update	\$120,000	<del>X</del>	<del>X</del>					<del>Local</del> PWB	3
Decommission Well #1	\$20,000			X				Local	<del>5</del> <u>4</u>
Water main extension from SR20 to Cascade Loop	\$350,000				X			USDA	<del>6</del> <u>5</u>
Replace water main 5 <sup>th</sup> Ave	\$300,000				X			USDA	<del>7</del> <u>6</u>
Repair Support and Paint River Crossing Water Main	\$160,000					X		Local	<del>8</del> <u>7</u>
Water main extension from Cascade Loop to Airport	\$1,300,000					X		USDA/RCO CDBG	<del>9</del> <u>8</u>
8" Loop – Riverside Avenue	\$480,000						X	USDA	<del>10</del> <u>9</u>
8" Loop West 2 <sup>nd</sup> Ave & Borchard Lane	\$680,000						X	USDA	<del>11</del> <u>10</u>
8" Loop – Twisp/Carlton Rd.	\$170,000						X	USDA	<del>12</del> <u>11</u>
Lookout Point Booster Station Upsize	\$40,000						X	Capital Reserve	<del>13</del> <u>12</u>
Lookout Point Pressure Zone Water Main	\$550,000						X	USDA	<del>14</del> <u>13</u>

## CAPITAL FACILITIES PLAN 6 YEAR TRANSPORTATION PLAN 2024

Town of Twisp Resolution #23-705

Project	<del>STIP ID#</del>	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
*SR20 Curb/sidewalk/bike path- Twisp R bridge to N C/L. 2025' (.39mi).	<del>WA 07876</del>	\$1,900,000	X						WSDOT PBP/TIB	1
<a href="#">Twisp Ave. from SR20 to Glover- 200' (.05mi). Overlay. PCR-59</a>	<a href="#">WA 07877</a>	<a href="#">\$71,820</a>		<a href="#">X</a>					<a href="#">TIB/TBD</a>	<a href="#">2</a>
<a href="#">Glover Street from 3<sup>rd</sup> Ave to Twisp Ave-525'. Overlay.</a>		<a href="#">\$188,525</a>		<a href="#">X</a>					<a href="#">TIB/TBD</a>	<a href="#">2</a>
<a href="#">Glover Street Sidewalk replacement from 3rd Ave to Twisp Ave both sides of street and ADA curb ramps where needed. &amp; South side of Twisp Ave</a>		<a href="#">\$377,995</a>		<a href="#">X</a>					<a href="#">TIB/TBD/ Complete Streets</a>	<a href="#">2</a>
<a href="#">Painters Emergency Secondary Egress</a>		<a href="#">\$479,598</a>		<a href="#">X</a>	<a href="#">X</a>				<a href="#">PWB/ULID</a>	<a href="#">3</a>
4 <sup>th</sup> St. from Lincoln to E end- 106' (.02mi). 2 coat chip seal. PCR- not rated/gravel	<del>WA 09136</del>	\$2,650	X						TBD	<a href="#">24</a>
Alder St. from 5 <sup>th</sup> to N end- 422' (.08mi). Grind/2 coat chip seal.	<del>WA 09063</del>	\$10,600	X						TBD	<a href="#">24</a>

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Town of Twisp Resolution #23-705

Project	<u>STIP ID#</u>	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
Alder St. from 5 <sup>th</sup> to SR20- 844' (.16mi). Grind/chip seal. PCR-60	<u>WA 04619</u>	\$21,100	X						TBD	<u>24</u>
Bridge St. from 5 <sup>th</sup> to N end- 528' (.10mi). Grind/2 coat chip seal. PCR-52	<u>WA 09074</u>	\$13,200	X						TBD	<u>24</u>
Bridge St. from 5 <sup>th</sup> to S end- 686' (.13mi). Grind/2 coat chip seal. PCR-52	<u>WA 09075</u>	\$17,150	X						TBD	<u>24</u>
Methow St. from 5 <sup>th</sup> to N end- 158' (.03mi). Grind/2 coat chip seal. PCR-34	<u>WA 01596</u>	\$3,950	X						TBD	<u>24</u>
Webb Ln. from 5th to SR20- 845' (.16mi). Grind/2 coat chip seal. PCR-53	<u>WA 09076</u>	\$21,125	X						TBD	<u>24</u>
<del>Twisp Ave. from SR20 to Glover- 200' (.05mi). Overlay. PCR-59</del>	<u>WA 07877</u>	<del>\$173,187</del>		X					<del>TIB/TBD</del>	4
Move SR20 crossing at Twisp Ave from south of intersection to north		\$7,500		X					TIB/TBD	<u>45</u>
<del>Glover Street from SR20 to Twisp Ave-1420'. Overlay.</del>		<del>\$1,159,024</del>		X					<del>TIB/TBD</del>	3
<del>Glover Street Sidewalk replacement from post office to</del>		<del>\$370,243</del>		X					<del>TIB/TBD/</del>	3

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Town of Twisp Resolution #23-705

Project	<del>STIP ID#</del>	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
<del>Twisp Ave both sides of street and ADA curb ramps where needed.</del>									<del>Complete Streets</del>	
Pave Twisp Ave parking lot	<a href="#">WA 07936</a>	\$34,000		X					TBD	<del>36</del>
SR20/Glover St intersection improvement engineering and design	<a href="#">WA 10340</a>	\$ \$525,000			X				WSDOT/RTPO	<del>47</del>
Methow St. from 6 <sup>th</sup> to N end- 211' (.04mi). 2 coat chip seal. PCR- not rated/gravel	<a href="#">WA 09072</a>	\$5,300			X				TBD	<del>58</del>
6 <sup>th</sup> Ave from Methow to Canyon- 264' (.05mi). 2 coat chip seal. PCR- not rated/gravel	<a href="#">WA 04623</a>	\$8,800			X				TBD	<del>58</del>
Alley from SR20 to Johnson-313' (.06mi). 2 coat chip seal. PCR- not rated/gravel.	<a href="#">WA 01589</a>	\$10,500			X				TBD	<del>58</del>
Ewell St. from Riverside to WWTP- 475' (.09mi). 2 coat chip seal. PCR- unrated/gravel	<a href="#">WA 07938</a>	\$14,000			X				TBD	<del>58</del>
Evergreen Loop from Riverside- 800' 2 coat chip seal. PCR- unrated/gravel		\$26,000			X				TBD	<del>58</del>

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## CAPITAL FACILITIES PLAN 6 YEAR TRANSPORTATION PLAN 2024

Town of Twisp Resolution #23-705

Project	<u>STIP ID#</u>	Estimated Cost	2024	2025	2026	2027	2028	2029-2039	Proposed Funding Source	Priority Ranking
SR20/Glover St intersection improvement construction and property acquisition	<u>WA 10341</u>	\$4,500,000				X			WSDOT/RTPO	<u>69</u>
Twisp Airport access rd. from Airport RD to Airport- 1214' (.23mi). Grind/2 coat chip seal. PCR-50	<u>WA 07955</u>	\$31,000				X			TBD	<u>710</u>
Twisp Carlton rd. from SR20 to S City limit-845' (.16mi). 2 coat chip seal. PCR-not rated	<u>WA 07957</u>	\$28,000				X			TIB/TBD	<u>811</u>
SR20 Curbing/sidewalk- Canyon to Glover and Glover to 5th. 850' (.16mi).	<u>WA 06951</u>	\$600,000					X		WSDOT PBP	<u>912</u>
Anderson Rd. from Peters to end- 975' (.18mi). 2 coat chip seal. Not rated	<u>WA 09118</u>	\$32,000					X		TBD	<u>1013</u>
Peters Rd. from Bugar to Anderson-230' (.04mi). 2 coat chip seal. Not rated	<u>WA 09119</u>	\$7,600					X		TBD	<u>1013</u>

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## **Twisp Planning Commission**

### **Review and Recommendation for the Orchard Hills Planned Development Permit**

June 13, 2023

For the last 5 months, the Twisp Planning Commission has evaluated the application from Palm Investments North LLC for the Orchard Hills planned development permit. One public hearing were held on Feb 8<sup>th</sup> and continued to March 8<sup>th</sup> and April 12<sup>th</sup>, followed by the commissioner's discussions in 4 public meetings on April 26<sup>th</sup>, May 10<sup>th</sup> and May 17<sup>th</sup>. A total of 6 public meetings. Over this period, dozens of written comments were received and dozens of citizens gave public testimony. These letters and comments were overwhelmingly negative based on a number of repeated major concerns. I would like to briefly summarize these concerns and for each one, describe the conditions that the planning commission recommends to mitigate these concerns.

But before I begin, let me explain the codes involved and how the SEPA process influences the commission's review. I think this will address some of the questions that have repeatedly come up. Within the municipal code, there is the comprehensive plan that sets out goals and provides the guidelines for the zoning code. The comprehensive plan is visionary and the zoning code is specific, and in the event of conflicts between the two, the zoning code governs.

This planned development meets many, but not all of the comprehensive plan's goals, but seldom does any project meet all these goals. This planned development application could potentially meet all the zoning codes, if it were properly developed in the application process. However, the SEPA process identifies conditions in a development which are or could have a significant adverse impact on the environment, and if these conditions are 'findings of fact', the town council may add conditions to the permit approval in order to mitigate these dangers, regardless if these conditions are not within the zoning code.

1. Overwhelmingly, the greatest public concerns were related to fire danger, in 2 specific areas: 1. Fire spread between houses and 2. A second road inhabitants to flee and access for the fire department in the event of a fire.

These public's concerns were supported by the recommendations from the Chelan County Fire Marshal, who reviewed the plans and the site (see copy of his comments in project file).

- a. In response to the concerns of fire spread, the commission supports the fire marshal's recommendation that structures are spaced at least 30' apart and a 100' wide defensible space of limited vegetation is installed in the proposed open space along the west edge of the development and the planned open space south of Harrison be subject to a fuels reduction project. The applicant has voluntarily agreed to meeting building code requirements that meet or exceed new Washington State Urban Wildland Interface codes that all exterior building materials are fire-resistant.
- b. In response to the concerns for egress and access, the commission recommends that a secondary emergency access, meeting IFC requirements is installed before the final permit approval (which would be before any building permits were issued). This road could not be barricaded and would be maintained. This egress path would extend to May Street, and prior to final approval, the developer and town must develop an amendment to the adopted Emergency Response Plan that sets forth a plan for traffic

control and evacuation from the May Street neighborhood. Additionally, the commission recommends that the town amend its Capital Facilities Plan and 6 year transportation improvement plan with the intent of completing a link from the May street neighborhood to the Twisp Carlton road within 5 years.

2. Another repeated concern was that of density. The commission believes that the recommendation of 30' between structures, the 100' defensible space and fuels reduction project will reduce the density materially.
3. Another repeated concern was that of wood-fire smoke. For this, the commission recommends that fireplaces be prohibited, and only 1 wood burning device (per EPA standards) be allowed per home.
4. There were concerns over increased traffic. The developers' engineers have determined that the increase in traffic is within the allowable limits for the roads and intersections involved.
5. There were concerns over storm water run-off, which is currently a problem in the down-slope residents. The developer will be required to provide adequate flood control and infiltration to prevent run-off from this property contributing to this existing problem.
  - a. For both the traffic and storm water engineering, the town will rely on licensed engineer's evaluation, and the town will have it's engineering firm review and provide comments on the developer's plans and calculations at the developer's expense. The Town cannot grant final approval until all public improvements are built or bonded.
6. There were concerns for access to some lots as well as snow storage and removal, a condition which will be alleviated by the increased house spacing and the defensible space.
7. There were concerns over quality, inspections and the potential for the construction to not comply with the codes or these additional measures. The commission recommends that the town hire licensed 3<sup>rd</sup> party inspectors at the developer's expense to supplement the town's inspections to assure construction compliance for the utilities, roads and drainage.
8. There were concerns that the application did not meet the form and substance of the planned development codes. The commissioners believe that these codes will be met as the application proceeds. Not much information is required at this point in the process, but there are many more requirements to be met as the application proceeds.
9. The commission recommends that the town take ownership of the 40% open space in order that this space will always be open to the public. The developer would improve the space to meet town standards.
10. Lastly, there were appeals and remaining concerns about the way the SEPA process was conducted. The staff report addresses the process and how certain steps were repeated in order to ultimately comply with this code. At the end of the day, I understand that the town attorney believes the process met the spirit of the SEPA statutes.

I would add that during the public hearing process the developer's designers provided timely and thorough written responses to the public's concerns. There has been a strong, healthy dialogue and significant refinements during the application review. If the town incorporates these recommendations in it's approvals, we hope that the developer will move forward and modify the plans and designs accordingly to create a development that is safe, vibrant and enjoyed by it's inhabitants, and generally acceptable to the neighbors and the town community.



We know that housing is urgently needed in the valley and this is a large and exciting opportunity for the town of Twisp. The developer initially asserted that the housing was affordable, and although that could not be substantiated, housing that does not qualify as “affordable” is not a bad thing. In fact, it is a very good thing for Twisp commerce and property tax receipts.

In my personal view, small towns like Twisp are either growing or dying. Growth requires change which is difficult but if managed well, it is healthy. It is my personal hope that the town and developer can work together to make this project an example of healthy growth for Twisp.

TOWN OF TWISP  
STAFF REPORT  
ORCHARD HILLS PLANNED DEVELOPMENT

**TO:** PLANNING COMMISSION  
**FROM:** KURT DANISON, TOWN PLANNER  
**SUBJECT:** FINAL PLANNING COMMISSION STAFF REPORT  
**DATE:** 5/17/23  
**CC:** PALM INVESTMENTS NORTH LLC – PD22-02

\*\*\*\*\*

**Applicant:** Palm Investments North LLC

**Parcel #:** 3322170391

**Project Description:**

Palm Investments North LLC proposes, through a Planned Development (“PD”) permit (Chapter 18.45 TMC), to divide a 16.81acre site (parcel number 3322180099), located west of the Painters Addition to Twisp in the western half of the Town of Twisp, into 52 individual single-family residential lots ranging in size from 3,630 sq ft to 8,903 sq.ft. with 3 open space tracts of 8,390 sq.ft., 116,669 sq.ft. and 171,156 sq ft. The applicant proposes engineering and installation of water, sewer, stormwater, irrigation and street infrastructure compliant with the Town’s Development Standards and installation of power and telecommunication infrastructure engineered and installed to the appropriate entities (Town, PUD, MVID, telecom) requirements.

**Chronology:**

Representatives of the Palm Investments North, LLC (“LLC”) contacted the Town in late 2021 with discussions centered on land use regulations and processes and public utility availability and capacities. Over the following year, the LLC begin detailed planning and discussions with Town Staff on code requirements. Several pre-application conferences were held during the winter of 2021/22 with an application submitted in May 2022 that was declared complete by the Town on May 26, 2022.

A public hearing before the Planning Commission was set for July 13, 2022 with a Notice of Application (published in Methow Valley News on June 1, 2022 and posted on the project site). A SEPA Determination of Non-Significance (DNS) was published on June 1, 2022 as well.

During the public review process prior to the July 13<sup>th</sup> planned hearing the Town received numerous comments on the PD application and 3 appeals of the SEPA DNS. As a result of the scope and scale of the comments, the Town withdrew the SEPA DNS, requested that the applicant prepare a revised application and SEPA Checklist and postponed the public hearing until August, that was subsequently postponed until September then postponed indefinitely until the revised application and SEPA checklist were submitted and accepted as complete.

The revised application, SEPA checklist and numerous special studies were submitted in late December of 2022 and accepted as complete by the Town on January 5, 2023. A Mitigated Determination of Non-Significance was signed by the Town on January 23, 2023 with a comment/appeal period ending on February 22. The Town received letters from 9 individuals who labeled their comments as a SEPA Appeal.

A public hearing before the Town's Planning Commission was set for February 8, 2023 which was continued until March 8 due to the comment/appeal period for SEPA not ending until February 22, and then to April 12 for the same reason.

### **Role of the Planning Commission:**

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

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

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

### **Applicable Codes and Town Standards:**

Preliminary approval of a Planned Development Permit is a Type IV action. The application,

contents, review process, timelines and public hearing for the proposed PD is required by Chapters 18.45 and 14.05 of the Twisp Municipal Code. The following excerpts from the Comprehensive Plan and Zoning Code provide the planning goals and regulations that govern the PD process.

It is important to note that the Town has to use and follow the adopted plans and regulations that are in place at the time an application is accepted as complete, not what folks believe what the plans and regulations should be. There is a formal process for amending the Town's Comprehensive Plan and implementing regulations which can be pursued in a variety of ways, but any such changes will not impact this development.

### **Comprehensive Plan - Property is designated as R-1 Low Density Residential**

**Land Use Goals:** The Twisp Comprehensive Plans provides the following overall land use goals:

1. Encourage the growth of the community that will ensure the general health, safety and welfare of the citizens of Twisp while protecting individual choice and the integrity of the natural environment. Promote the concentration of urban life within the town and promote the "rural" residential character of the town.
2. Coordinate land use with circulation routes and public facilities in promoting the convenience, efficiency, health, and welfare of the town. Provide for pedestrian connection of neighborhoods.
3. Protect and help develop desirable public and private investments in land and improvements.
4. Maintain and enhance the composition of the town as a vibrant tourist, commercial, and residential center.
5. Preserve open space. Both public and private lands can be considered open space, including, parks, farmlands, playing fields, forested hills, wetlands, and public right-of-ways. These special features contribute to Twisp's small-town atmosphere, offer visual relief and separation from urbanized areas, and serve as natural systems which protect surface and ground water, and air quality. Also, open space provides and maintains valuable wildlife habitat.
6. Promote the Methow and Twisp River frontages as a valuable economic and recreation source.
7. Provide safe and convenient access for differently-abled people, pedestrians, and bicyclists.

### **General Principles for Development:**

1. Residential Areas – Residential areas should be varied in density, dwelling types, and design to provide a maximum range of choice to meet the needs of diverse family sizes, age groups, and income levels.
5. Resource Lands, Critical Areas and Shorelines – Critical areas should be designated where natural features such as wetlands, floodplains, steep slopes and other critical areas preclude or require special considerations for residential, commercial or industrial development.

6. Recreation – Twisp has an opportunity to obtain a strong recreation base comprised of parks and trail systems. It will be important to acquire new properties for recreation, open space and to establish new programs to accommodate growth and changing needs. Refer to the Parks and Recreation Element of this comprehensive plan.

#### **General Goals for Residential Development:**

- a. Residential areas should be located within close proximity of institutional facilities such as schools, parks, and churches.
- d. Future residential development should have sufficient street right-of-way to provide curbs, paving of two driving lanes, at least one parking lane, sidewalks and other pedestrian walkways.
- e. Future high-density residential development should occur in such a manner as to allow maximum utilization of the land while retaining adequate open space for recreational and aesthetic values.

#### **Land Use Designation - Single Family Low Density Residential (R-1)**

The purpose of the single-family residential designation is to provide for areas of town where low-density residential uses will be provided for. For the purposes of this comprehensive plan, low density shall mean from 1 to 4 dwelling units per acre of land, or a minimum of 10,000 ft. sq. lot size

#### **Planned Development – Planned development regulations are intended to provide an alternative method for land development which:**

- a. Encourages flexibility in the design of land use activities so that they are conducive to a more creative approach to development which will result in a more efficient, aesthetic and environmentally responsive use of the land.
- b. Permits creativity in the design and placement of buildings, use of required open spaces, provision of on-site circulation facilities, off-street parking, and other site design elements that better utilize the potential of special features, such as geography, topography, vegetation, drainage, and property size and shape.
- c. Facilitates the provision of economical and adequate public improvements, such as, sewer, water, and streets.
- d. Minimize and/or mitigate the impacts of development on valuable natural resources and unique natural features such as agricultural lands, steep slopes, and floodplain and shoreline areas.

Planned development regulations may be incorporated into the Town's zoning ordinance or developed as a separate ordinance. It is also possible for the Town to use the planned development process for certain uses which due to their nature may be more appropriately reviewed under such regulations.

#### **Comprehensive Plan – Analysis:**

The Town's Comprehensive Plan contains some contradictory goals and principals. Some support the type of development planned for Orchard Hills others seem to discourage such development. The provisions related to Planned Development support the proposed Orchard

Hills planned development. The Planning Commission will have to determine whether recommending approval of the planned development, as conditioned, is consistent with the comprehensive plan.

**Zoning Code: Property is Zoned R-1**

18.25.030 Low-density residential single-family (R-1) district.

- (1) Intent. The low-density residential single-family district is intended to reserve areas primarily for family living in single-family dwellings on large lots, characterized by privacy, an atmosphere conducive to sleep and repose, and living environments that promote the enjoyment of residential and neighborhood life. Certain community and commercial uses that are compatible with residential uses and consistent with the character of single-family neighborhoods should be allowed. Approved accessory dwelling units should be allowed.
- (2) Uses Allowed.
  - (a) Uses allowed in the R-1 district are shown in the district use chart in Appendix A of this title.
  - (b) Approved accessory dwelling units may be allowed in R-1 zoning districts. The following standards shall apply:
    - (i) Minimum lot size: 10,000 square feet.
    - (ii) In R-1 zoning districts, an accessory dwelling unit may be located in a separate accessory structure or incorporated within the principal dwelling. See definition in TMC 18.20.060.
    - (iii) Accessory dwelling units in R-1 zoning districts must be sited so that they will conform with all applicable regulations, including all setback requirements, if the parcel is to be divided.
- (3) Dimensional Requirements. Lot sizes, minimum dwelling unit sizes, allowable densities, lot coverage, height and setbacks shall be as set forth in Table 5. (Ord. 753 § 3 (Exh. C), 2019; Ord. 620 § 5(3), 2010)

The District Use Chart, Appendix A provides for the following uses:

**LEGEND:**

A = Allowed Use

P = Prohibited Use

AP = Allowed; Administrative Permit Required PD = Planned Development Permit Required

CUP = Conditional Use Permit Required

BSP = Binding Site Plan

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-R</b>	<b>I</b>	<b>AIR</b>	<b>PU*</b>
<b>Residential uses</b>	<b>I</b>									
Accessory dwellings	<b>I</b>	A	A	AP	AP	P	PD	P	P	P
Accessory structures	<b>I</b>	A	A	A	A	A	A	A	P	A
Adult family homes	<b>I</b>	A	A	PD	PD	CUP	PD	P	P	P
Assisted living facility	<b>CUP</b>	CUP	AP	PD	PD	CUP	PD	P	P	P
Bed and breakfasts	<b>I</b>	AP <sup>13</sup>	A <sup>13</sup>	P**	P**	P**	P**	P	P	P
Boarding homes	<b>CUP</b>	CUP	AP	PD	PD	CUP	PD	P	P	P
Boarding houses	<b>CUP</b>	CUP	A	A	A	A	A	P	P	P
Condominiums, residential	<b>PD</b>	PD	PD	PD	PD	P	PD	P	P	P
Convalescent	<b>CUP</b>	CUP	AP	PD	PD	CUP	PD	P	P	P
Duplexes	<b>I</b>	A	A	AP <sup>14</sup>	AP <sup>14</sup>	P	PD	P	P	P
Dwellings, multifamily	<b>I</b>	P	A	AP <sup>14</sup>	AP <sup>14</sup>	P	PD	P	P	P
Dwellings, single-family	<b>I</b>	A	A	AP <sup>14</sup>	AP <sup>14</sup>	P	P	P	P	P

Table 5 provides dimensional and density standards for residential development:

**Table 5 – Residential Districts  
Lot Size, Coverage, Density, Setback, and Height**

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
Minimum lot size <sup>1</sup>	10,000 square feet	5,000 square feet, single-family; 7,500 square feet, duplex	5,000 square feet single-family; 1,500 square feet each additional unit
Maximum density, with PD permit	6 d.u./net residential acre	10 d.u./net residential acre	16 d.u./net residential acre
Maximum building coverage <sup>2</sup>	35%	50%	50%
Maximum lot coverage <sup>2</sup>	50%	65%	80%
Minimum front yard setback <sup>2,3</sup>	15 feet	15 feet	15 feet
Minimum side yard setback <sup>2,3</sup>	5 feet	5 feet	5 feet
Minimum rear yard setback, main structure <sup>3</sup>	15 feet	10 feet	5 feet
Minimum rear yard setback, accessory structure <sup>3</sup>	5 feet	5 feet	5 feet
Maximum height, main structure	30 feet	30 feet	30 feet
Maximum height, accessory structure	24 feet	24 feet	24 feet
Minimum lot size with accessory dwelling unit	15,000 square feet	7,500 square feet	6,500 square feet
Minimum primary dwelling unit size	950 square feet	500 square feet	360 square feet
Minimum accessory dwelling unit size <sup>4</sup>	360 square feet	360 square feet	360 square feet

LEGEND: d.u. = dwelling unit

<sup>1</sup> Minimum lot sizes do not apply to planned developments.

<sup>2</sup> Maximum lot coverage, front yard setback, and side yard setback apply to all structures, including accessory dwelling units.

<sup>3</sup> Required off-street parking is not allowed in required front, side, or rear yard setbacks.

<sup>4</sup> Limited to detached dwellings.

## **Planned Developments: 18.45 Twisp Municipal Code**

### **18.45.010 Intent.**

The intent of the planned development permit process is to allow a variety of uses and developments within the town of Twisp while retaining the ability of the town to review and condition those developments that might without restriction infringe on other uses in the district or threaten the environmental or aesthetic attributes of the town. The planned development permit process allows review and the implementation of restrictions or



conditions on a development by the town, pursuant to identified issues and standards, in order to achieve the following objectives:

- (1) Provide for flexibility in the design of land uses and activities to encourage more creative approaches to development, to result in more efficient, aesthetic, and environmentally responsive use of lands within the town;
- (2) Allow for public input and response by town citizens and interested persons, agencies and groups, to better assure that land uses and development within the town reflect the needs and desires of town citizens and are consistent with the public welfare of the town;
- (3) Permit creativity in design and placement of buildings, use of required open spaces, provision for on-site circulation plans, off-street parking and other site design elements that better utilize the potentials of special features of the property, including location, geography, topography, vegetation, size or shape, and scenic views;
- (4) Facilitate the provision of economical and adequate public improvements, including streets and utilities;
- (5) Minimize and/or mitigate the impacts of development on valuable natural resources and unique natural or existing features including but not limited to key wildlife habitats, riparian habitats, floodplain and other wetlands, mature tree stands, steep slopes, unique or aesthetically important views and vistas, and similar resources and features;
- (6) Minimize and/or mitigate the impacts of development on the public health, safety, welfare, aesthetic values, and other interests of the town;
- (7) Require the incorporation of public access to recreational opportunities, including trail systems, as a part of development activities;
- (8) Allow areas to be combined together for development that would otherwise be developed on a lot-by-lot basis, and to develop the area jointly with clustered or common features and structures and shared roads and utilities for more economic use of the land and better utilization of limited land and natural resources and maintenance of open space areas;
- (9) Assure that aesthetic values are considered in the architectural design of structures and in the overall development plans, and are a part of the review process of significant developments within the town;
- (10) Provide regulations for the planned development permit process which will give notice to developers of pertinent issues, concerns and limitations in planning of projects. (Ord. 620 § 9(1), 2010)

#### **18.45.030 Additional planned development permit regulations.**

- (1) Utilities. All electrical lines, telephone lines, and other wiring conduits and similar facilities in planned developments shall be placed underground by the developer, unless this requirement is waived by the planning commission and the town council. Waiver of this requirement must be based upon the physical constraints of the site and/or technical difficulties with such underground installations that are unique to the lot or parcel, and shall not be based upon financial considerations alone. Waiver shall not be permitted when it would be in violation of the requirements of this or other town ordinances or regulations for the zone in which the planned development is located. When a planned development includes utility extensions that are to be dedicated to and become the

responsibility of the town upon completion and acceptance thereof, the developer shall provide to the town a one-year maintenance bond for such utility extension to cover all necessary maintenance and repairs of the utility extension during the covered period.

The developer may be required to increase the one-year term when special considerations or unique circumstances make a longer term advisable for the protection and welfare of the town, and upon order for such increased bond period by the town council; provided, that in no event shall the one-year term for the maintenance bond be reduced. Water and sewer line extensions shall be properly engineered with plans approved by the town and shall meet all applicable town, state, and federal requirements.

- (2) Views. Planned development proposals shall give consideration to views, both those available from the subject lot(s) or parcel in orientation of the development, and those views from neighboring properties and roadways that might be obscured or obstructed by the development. Proposals shall be designed to minimize obstruction of river views and of other desirable views from neighboring properties, including usage of more stringent height limitations, view corridors, and building orientation and location restrictions where feasible and appropriate.
- (3) Trails and Recreation Facilities. As additional consideration for increased densities and development approval on riverfront parcels, developers may be required to dedicate a public nonmotorized trail along the river (in such location as shall be determined by the developer with approval of the administrator and in consultation with town departments and resource agencies). Residential planned developments shall consider additional trail systems in their development plans to promote both nonmotorized recreational opportunities and pedestrian circulation. Commercial planned developments shall consider and provide for pedestrian access to and through the development where practical. Multifamily residential planned developments or larger-scale residential planned developments shall consider other recreational areas and facilities, such as community parks, picnic areas and play areas, in the design of the development.
- (4) Landscape Plans. Planned development applications shall include a general landscape plan which shall include plantings for street frontage and interior lot line buffers and parking lot and ornamental landscaping (including light diffusion and site obstruction), and which shall concentrate on low-water-use plantings where feasible. As a minimum, plantings shall include the landscaping and buffers specified in TMC [18.20.120](#) for the zoning district in which the planned development is proposed. Timed irrigation systems will generally be required in planned developments to minimize irrigation water needs.
- (5) Additional Areas of Regulation. Those areas of concern set forth in TMC 18.45.050(2) as planned development program items shall be reviewed by the town and may be subject to regulation to meet the specified performance goal for each item where appropriate. (Ord. 620 § 9(3), 2010)

**Zoning Code – Analysis:** There is a conflict between the intent of the R1 zoning district and the regulations which provides for the reduction of minimum lot sizes through the PD process. There is also a conflict with the comprehensive plan which calls for a maximum density of 4 units per acre rather than the 6 permitted under zoning. However, as the zoning code has been adopted by ordinance, the zoning provisions prevail. The proposed use is considered allowed as it consists of single-family residences and falls within the allowable zoning density providing it follows the

requirements for a planned development.

### **SEPA and Critical Areas:**

Preliminary approval of a Planned Development Permit, which can only be granted by the Town Council, is subject to review under the State Environmental Policy Act (SEPA) and review for potential impacts to designated critical areas (Chapter 18.60 TMC).

The applicant submitted a SEPA Checklist as part of the original application materials accepted as complete on May 26, 2022. The SEPA Administrator issued a Determination of Non-Significance (DNS) on May 26, 2022, which was published in the Methow Valley News (MVN) on June 1, 2022, with the required appeal period ending on June 28, 2022. This DNS was appealed and drew numerous comments. As a result, the Town withdrew the DNS and provided the applicant with a list of items that needed to be addressed in a revised SEPA Checklist and PD application.

A revised SEPA Checklist with a revised PD application and numerous special studies intended to address the comments and concerns was submitted during the preliminary review process. The revised SEPA Checklist and related information resulted in the Town issuing a Mitigated Determination of Non-Significance (MDNS) on January 5, 2023 which was published in the Methow News on January 11, 2023. The MDNS drew comments from the Department of Ecology noting the MDNS form was incorrect and that more detailed information on the proposed mitigation needed to be included.

The Town reissued the MDNS on the correct form with reference to the issues the Town required be addressed in the revised SEPA Checklist and references to the revised SEPA Checklist and special studies that provide information on impacts and proposed mitigation measures. The reissued MDNS was circulated to commenting agencies and individuals on January 26 and was published in the Methow Valley News on February 1, 2023 with comments or appeals due on February 22, 2023.

Nine letters were received on or before February 22, 2023 stating that the letters were appeals of the MDNS. While the “appeals” were generally more comments on the proposed development, than suggestions for specific mitigation measures, the result was a review of the comments, concerns and questions raised. As a result of the review, how the appeals would be handled in light of conflicting requirements between appeals of land use actions and SEPA determinations and the timing thereof, as well as a procedural issue raised in one of the appeals, the MDNS had to be withdrawn again on March 28, 2023.

As there will be no decision made by the Planning Commission and the decision to grant preliminary approval is vested with the Town Council, the MDNS will not be reissued until the Planning Commission has made its recommendation to Council.

A new MDNS will be issued on May 19, 2023.

### **Critical Areas/Environmental Concerns:**

A review of the Town’s geologic hazard areas designation maps finds that portions of the subject property lie within areas with steep slopes. Compliance with the geologically hazardous areas standards in Chapter 18.60 TMC requires specific geotechnical evaluations of development. The applicant provided a soils report which shows that the majority of the area to be developed avoids steep slopes. The project site is also within a designated critical aquifer recharge area

which requires all stormwater runoff to be retained and treated on-site in compliance with the provisions of the Eastern Washington Stormwater Management Manual. The applicant provided a preliminary Stormwater Management Plan that addresses the regulations. The report will need to be finalized, design completed and infrastructure be built, inspected and/or bonded prior to final approval.

Other environmental concerns raised through the public comment period included the potential presence of wetlands and possible soil contamination due to former use as an orchard. The applicant provided a study which found the subject property contains no wetlands. The applicant also provided an analysis of the soils looking for arsenic/lead contamination. The results found that there are low levels, well below minimums, present in the soils with the highest concentrations closest to the rock outcrops, rather than the former orchard ground.

The applicant also completed a traffic study which found the existing road network has the capacity for the increased traffic. This report is being updated to include an analysis of the capacity of the intersections of May St and Second and SR 20 in the event of emergencies.

The Town has received a review of the plans from a qualified Fire Marshall.

### **Planning Commission Public Hearing:**

The Town of Twisp Planning Commission held an open record public hearing on February 8, 2023 which was continued to March 8, 2023 and continued again until April 12, 2023 then again until April 26th. The hearing was closed on April 26<sup>th</sup> and the Planning Commission began discussing potential conditions until the end of the meeting. The Planning Commission continued discussions at its May 10<sup>th</sup> meeting and came to an agreement on conditions to recommend to the Town Council. Staff was directed to revise the Staff Report to amend and add to the conditions to be recommended to the Town Council for preliminary approval of the Orchard Hills Planned Development. The Commission held a special meeting at 5:30 p.m. on May 17, 2023.

### **Comments Received:**

The application and related materials were mailed or e-mailed to commenting agencies (see list in project file) and a notice provided to adjoining landowners on January 2023. Written comments were received from 35 individuals and couples and another 34 individuals (some also provided written comments) commented during the public hearing process (see list of commenters, comments and responses in Attachment A) Copies of all written comments are contained in the project file.

### **Recommendation by Staff:**

Staff recommends that the Planning Commission make the following motion:

*Move “to recommend preliminary approval of the Orchard Hills Planned Development to the Town Council subject to the conditions and findings contained in the May 17, 2023 Staff Report and that all conditions be satisfactorily addressed prior to any granting of final approval”*

### **Proposed Conditions:**

#### **Utilities and Transportation -**

1. That the water and sewer systems required to serve the development be designed and engineered to Town standards, subject to review and comment by the Town’s engineer,

approved by the Town and either be built or bonded prior to final approval. Said utilities must be inspected during construction, any system development fees paid, and accepted by the Town prior to final approval.

2. A stormwater management plan compliant with Town standards and the Eastern Washington Stormwater Management Manual has to be prepared by a licensed engineer and approved by the Town and required improvements constructed to ensure that stormwater runoff from the development is retained, treated and dispersed within the project boundaries.
3. That other utilities be engineered in accordance with specifications provided by the Okanogan County PUD, Methow Valley Irrigation District and/or telecommunications provider, said plans must approved in writing by appropriate entity, any fees paid, improvements constructed and inspected by the appropriate entity in compliance with approved plans.
4. All utility lines shall be placed underground.
5. A note must be placed on the face of the plat of the PD as follows: “The Town has no responsibility for maintenance, included plowing, of the identified private utility and access easements”
6. That plans and specifications meeting Town standards for street and pedestrian improvements be provided to the Town for review and approval prior to construction and that any pavement on Harrison Street, May Street, or Isabella Lane disturbed during construction be repaired and approved by the Town of Twisp Public Works Director prior to granting of final approval.
7. The proposed second access from the proposed development to Isabella Lane be built to International Fire Code standards for an emergency fire apparatus access and be signed as such prior to final approval.
8. That a traffic study be completed analyzing the impacts of the development on the capacity of the intersections of May Street and Second Avenue and Second Avenue and SR 20 during emergencies. Potential mitigation measures required of the applicant for addressing identified impacts on intersection capacity shall be as determined by the analysis.
9. Any proposed bond for incomplete utility extensions must comply with TMC 18.45.030(1), and be approved prior to final development plan approval;

**Fire/Emergency -**

10. That all provisions of the International Fire Code related to access and fire flow be included in project designs and be built prior to granting of final approval of the PD.
11. That the planned emergency access road cannot be barricaded and must be maintained year-round.
12. That prior to final approval the applicant participates with the Town in the amendment of the adopted Comprehensive Emergency Response Plan that sets forth a plan for traffic control in the event of a wildfire or other emergency that necessitates evacuation of the May Street neighborhood.
13. That all construction be completed in compliance with applicable requirements of the

International Building Code and all homes meet the 2018 International Wildland-Urban interface code A note on the final plat will also be required referencing the requirement that all homes meet the 2018 International Wildland-Urban Interface code

14. That each lot be labeled with an E911 address prior to filing and recording of PD Plat.
15. That the Town amend its Capital Facilities Plan and Six Year Transportation Improvement Plan to add a second point of access from the May Street neighborhood to the Twisp Carlton Road with the intent of completing the project within 5 years.
16. That a 100-foot-wide buffer as per Fire Marshall recommendation be created along the western boundary of the development from the western property line to Harrison Street. Such buffer shall be gravel, irrigated grass or other acceptable fire-resistant vegetation and must be completed prior to deeding of open space to Town.
17. That a fire hazard reduction plan prepared by a qualified professional be prepared, approved by the Town and implemented in the proposed open space area south of Harrison Street be completed prior to deeding of open space to Town.
18. That the PD be redesigned to eliminate proposed townhomes and modify lot sizes that ensure that there is a minimum of 30 feet of clear space between the eave line of structures.

**Environmental -**

19. That Best Management Practices shall be used during all construction activities to minimize dust, runoff, noise and associated environmental impacts.
20. That only one wood burning device is permitted per home, requires a building permit and shall meet or exceed Washington State and federal Environmental Protection Agency standards. No fireplaces are permitted.
21. That all mitigation measures in the SEPA checklist submitted with the application and as set forth in the Mitigated Determination of Non-Significance are implemented and maintained for the life of the project.
22. That construction of improvements and development of parcels that contain steep slopes shall be required to follow the regulations contained in 18.60.180 TMC.

**General/Land Use -**

23. That the three open space parcels be deeded to the Town as proposed with the value of the land calculated as a donation for use as a match for future grant requests.
24. That building envelopes be shown on each lot on the final plat of the PD.
25. That improvements and other aspects of the project described in the Project Narrative submitted with the application be supplemented with greater detail and the means of implementing the improvements described.
26. That all requirements for final plat stated in TMC 17.25.020 be completed.
27. That any subsequent development/use of said parcel must comply with the regulations for the zoning district applied to the property.
28. Open space percentage, must be at least 40% per TMC, needs to be recalculated without proposed roads/access and infrastructure improvements.

29. Covenants, Conditions and Restrictions must be developed and provided to the Town that address the following items:
- a. Maintenance of private access and utility easements
  - b. Landscape standards for individual lots
  - c. Limitation of one wood burning device for each home
  - d. Design criteria and standards for new homes and accessory buildings
  - e. Exterior lighting standards (dark sky compliant)

**Findings of Fact:**

The following Findings of Fact support the recommended approval and conditions placed thereon.

The Planning Commission finds the following:

1. Palm Investments North LLC is the legal owner of the property.
2. There is a need for housing in the community and the Methow Valley as a whole; the proposal addresses that need.
3. Adequate urban services (water, sewer, power and telecommunication) are available.
4. The subject property is constrained by topographic features (critical area) limiting traditional development options.
5. The development proposal of single-family homes is consistent with the uses allowed by zoning for the subject property.
6. Development through the PD Permit will create approximately 10 acres of developable land and approximately 6.8 acres of permanent open space.
7. At least 40% of the project site will be dedicated to permanent open space. The open space is to be deeded to the Town for future recreation/wildlife use.
8. Long-term maintenance of private accesses, stormwater facilities and other private improvements will be subject to CC&Rs administered through a homeowner's association and will not burden the Town.
9. No additional development of the property is permitted.
10. Development of the property will not displace public recreation opportunities. The potential exists for a future public access to the open space parcels.
12. The proposal will not adversely affect wildlife habitat identified in the comprehensive plan for special consideration.
13. Development of the property is subject to Town and State requirements for stormwater management.
14. The development will create additional impervious surfaces. A stormwater management plan compliant with Town standards and the Eastern Washington Stormwater Management Manual will be prepared by a licensed engineer and approved by the Town and required improvements constructed to ensure that stormwater runoff from the development is retained, treated and dispersed within

the project boundaries.

15. The proposal includes on-site pedestrian facilities.
16. The applicant demonstrated through a preliminary utility plan that the development will be adequately served by water, sewer and electrical service.
17. The property has access to Town water and sewer.
18. The project is consistent with the requirements of Chapter 18, Zoning Code.
19. All requirements for processing a Type IV Permit stated in Chapter 14 TMC were followed.
20. That a public notice of the application was published in the Methow Valley News on June 1, 2022
21. That a determination of non-significance was published in the Methow Valley News on June 1, 2022.
22. A notice of the public hearing scheduled for July 13 was published in the Methow Valley News on June 1, 2022.
23. That the original notice of application, notice of hearing and DNS were withdrawn in September, 2022.
24. That the applicant resubmitted the application and a revised SEPA Checklist on January 5, 2023.
25. The application was determined to be complete on January 5, 2023.
26. That a public notice of the application was published in the Methow Valley News on January 11 and 18, 2023
27. That the applicant posted the property on January 11, 2023.
28. That a Mitigated Determination of Non-Significance (MDNS) was issued on January 5, 2023 which was published in the Methow News on January 11, 2023, which was subsequently withdrawn.
29. That a new MDNS was published in the Methow Valley News on February 1, 2023 with a comment/appeal period ending on February 22, 2023.
30. That a notice of the February 8, 2023 public hearing was published in the Methow Valley News on January 25 and February 1, 2023.
31. That the public hearing was continued to March 8, 2023, continued to April 12, 2023 then April 26<sup>th</sup> when the hearing was closed.
32. That 9 comments and appeals were received on the MDNS, which resulted in its withdrawal on March 23, 2023.
33. That the requirements for increasing the distance between planned structures, providing a buffer along the development's western boundary, implementation of the latest Urban/Wildland Fire Code and fire reduction plan for the area south of Harrison Street are based on the recommendations of a professional Fire Marshall to address reduce the potential wildfire impacts.



34. The proposed conditions are intended to address the comments and concerns raised during the public review process.

ATTACHMENT A – COMMENTORS, COMMENTS AND RESPONSES

Orchard Hills Comment Matrix				
Written Comments				
	Commentor	Address	Comments	Action?
1	Fire District #6	Winthrop	Fire apparatus access roads should “be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.”	Require as condition of approval
	"	"	The required turning radius of a fire apparatus access road shall be determined by the fire code official.” OCFD6 recommends a 28ft radius.	Require as condition of approval
	"	"	Dead-end fire apparatus access roads in excess of 150ft in length shall be provided with an approved area for turning around fire apparatus.	Require as condition of approval
	"	"	Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.” Where and when applicable, both sides of each fire apparatus access road need to be signed as a Fire Lane.	Require as condition of approval
	"	"	Fire apparatus access roads should “not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.	Require as condition of approval
	"	"	Developments of one- or two-family dwellings where the number of dwelling units exceed 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements in Section D104.3. OCFD6 does NOT recommend a gated access for an emergency use only road for this kind of Development that will also share an access with other developments	Require second access to Isabella Lane or sprinkle all

	"	"	Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.	Require second access to Isabella Lane or sprinkle all
	"	"	New and existing buildings should “have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.	Each lot will have an E911 Address assigned at PD ap
	"	"	Fire hydrant systems should “be subject to periodic tests” as required by Washington State Rating Bureau (WSRB). Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.	Require as condition of approval
	"	"	Posts, fences, vehicles, growth, trash, storage and other materials or objects should “not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. “The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.” This includes snow.	Require as condition of approval
	"	"	A 3 ft clear space should “be maintained around the circumference of fire hydrants except as otherwise required or approved.	Require as condition of approval
	"	"	Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means should comply with Section 312	Require as condition of approval
	"	"	All fire hydrants servicing these parcels meet or exceed the standards found in IFC	Require as condition of approval

	"	"	All fire hydrants servicing these parcel, newly installed and existing, be equipped with a 5 inch Storz fitting with a tethered cap on the large diameter port prior to occupancy being granted. These fittings shall be approved by the OCFD6 prior to installation. This fitting is required to connect to OCFD6 fire hose.	Require as condition of approval
2	Scott Demergue	501 June Street, Twisp	Fire and emergency access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
			Pedestrian safety	The public road serving the development will have a similar pedestrian facility
			Concerned about density	Density is compliant with zoning
3	Isabelle Spohn - written and oral testimony and SEPA appeal	Twisp	Air quality - wood burning devices	All wood burning devices will have to meet and/or exceed EPA standards and be required to obtain a permit for installation. New home construction after final approval subject to the codes that exist at that time meaning any new regulations regarding wood burning devices will be required of the construction
4	Barbara Gohl - oral and written testimony, SEPA Appeal	7 Isabella Lane, Twisp	Does not believe the homes will be affordable	Town does not have the ability to set price standards. Affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	Not enough water - need to complete valley-wide study	Town has sufficient water for the development
5	Ellen Aagaard - oral and written testimony	Twisp	Areas proposed to be developed <i>with approximate footprints of proposed buildings</i> and their nature (e.g., residential, community use, commercial, office, etc.)	Require as condition of approval
	"	"	Location, dimensions and schematic design of <i>off-street parking areas or facilities</i> , showing points of ingress and egress	Require as condition of approval
	"	"	Pedestrian and vehicular circulation pattern	Require as condition of approval
	"	"	Conceptual landscape plan	Require as a condition of approval
	"	"	Stormwater collection and disposal plan.	Require as condition of approval
	"	"	Air quality considerations and mitigation measures, including dust control measures.	Require all wood burning devices to meet and/or exceed EPA standards and be required to obtain a permit prior to installation. Require dust control during construction

	"	"	Fire Access	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
6	Mark and Leone Edson - written and oral testimony	321 Bigelow, Twisp	Not consistent with zoning	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	noise	Will have to comply with Town nuisance regulations, than existing residential area
	"	"	overcrowding	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	traffic	Traffic study found that existing road network has ca proposed development
	"	"	private accesses	Private access permitted by Town regulations and m requirements. CC&R's will detail maintenance of such
	"	"	generally disagree with all aspects and facts and figures	Town relies on facts and figures prepared by licensed and engineers. Prior to final approval all aspects of t engineering will be reviewed and vetted by the town engineer
7	Mary Bean and Jo and Dennis Doyle - written and oral testimony	409 Bigelow, Twisp	Fire access	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	Snow removal	Road standards include space for snow removal and
	"	"	private accesses	Private access permitted by Town regulations and m requirements. CC&R's will detail maintenance of such
			too much density	Density is compliant with zoning
8	Arthur Tasker - written and oral testimony, SEPA Appeal	7 Isabella Lane, Twisp	Wildfire and access	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
			Increase lot sizes	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
9	Sarah Schrock	413 Bigelow, Twisp	Does not meet intent of PD	Conditions of approval require to address PD intent
	"	"	Areas proposed to be developed <i>with approximate footprints of proposed buildings</i> and their nature setbacks, parking, trails, common spaces	Require as condition of approval

	"	"	too high of density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	views	Landscape plan and photo representations of views
	"	"	Traffic	Will be conditioned to meet or exceed IFC standards, LID
10	Kasey Ketterling, Ardurra	Consulting Engineer	Plans sufficient for preliminary review	
11	Doug Irvine - written and oral testimony	612 June St, Twisp	does not control the ridgeline	TRUE
	"	"	topography and density figures miscalculated	Town relies on facts and figures prepared by licensed surveyors and engineers. Prior to final approval all aspects of the engineering will be reviewed and vetted by the town engineer
	"	"	no benefit from open space	Proposed to be given to Town
	"	"	limit to R1 zoning, no PD	PD is a permitted option under zoning and comp plan
	"	"	too far from services	true for existing neighborhood and other parts of community
	"	"	no pedestrian features	The public road serving the development will have a similar pedestrian facility
12	Barbara Irvine	612 June St, Twisp	not affordable	Town does not have the ability to set price standards. Affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	consistency with neighborhood	single family residences, interpretation
13	CB Thomas	43 Lost River Airport, Mazama	supports development	
14	Ina Clark	501 Highway 20, Winthrop	supports development	
15	Diane Childs	70 McLean Hill, Winthrop	supports development	
16	Roger and Anna Stull	105 Florance Lane, Twisp	fire safety and access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	Traffic	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	too much density	Density is compliant with zoning

17	Ross and Marti Darling	Twisp	supports development	
18	Bill Bates	Twisp	limit number of homes	Density is compliant with zoning
	"	"	snow removal	Road standards include space for snow removal and
	"	"	fire lanes	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
19	Ken and Virgina Borg - written and oral testimony, SEPA Appeal	Isabella Lane Twisp	emergency access, fire safety	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	stormwater	Stormwater management plan required - all stormwa on-site must be handled on-site
	"	"	density	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	water	Town has ample water resources to serve developme responsible for engineering and construction improv needed to meet town and IFC standards
	"	"	construction dust	Best management practices required for dust contro construction
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
	"	"	snow removal	Road standards include space for snow removal and
	"	"	access to open space	Open space proposed to be given to town, if public la would be allowed
20	Dean Kurath, Dark Sky	Winthrop	Dark sky compliant lighting plan	require as condition of approval
21	Larry and Barbara Schaber	618 June Street	parking	two off-street parking spaces required on each lot, o required front yard setback, plus parking lanes on bo public road.
			snow removal	Road standards include space for snow removal and
	"	"	traffic	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access

	"	"	density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
22	Mark and Leone Edson	321 Bigelow, Twisp	inconsistent with comp plan and zoning	interpretation
	"	"	stormwater runoff	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	traffic circulation	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
23	Bill and Sandy Moody - oral and written testimony, SEPA Appeal	Twisp	access and fire safety issues	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
	"	"	density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	parking	require two off-street parking spaces on each lot plus on both sides of road.
	"	"	private access corridors	Private access permitted by Town regulations and meet requirements. CC&R's will detail maintenance of such
	"	"	residential sprinklers won't help	recommended by Fire Marshall
24	Methow Housing Trust	Winthrop	misinformation - the Trust has not made any commitment one way or the other as far as potentially purchasing lots in the proposed PD	Still a possibility, it is up to Trust and Palms
25	Rudy and Katrina Miniutti	104 Florance Lane	solve second access before approval	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
26	Mary Sharman and Jerry Cole	1023 Burton Street	air quality	All wood burning devices will have to meet and/or exceed and EPA standards and be required to obtain a permit for installation. New home construction after final approval subject to the codes that exist at that time meaning that regarding wood burning devices will be required of the construction



	"	"	water and sewer capacity	Town has ample water and sewer capacity, developed for engineering and constructing improvements to town
	"	"	traffic - fire access	Will meet or exceed 2018 Urban Wildland Interface by standards and International Fire Code for access
	"	"	affordable housing	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	need more planning	yes, but have to live with codes we have until amended
27	Janice Liu	613 Bigelow St, Twisp	emergency ingress/egress,	Will meet or exceed 2018 Urban Wildland Interface by standards and International Fire Code for access
	"	"	inconsistent with R1 zoning	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	not affordable,	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	stormwater	Town has ample water and sewer capacity, developed for engineering and constructing improvements to town
	"	"	dark skies	require in CC&Rs
28	Doug Irvine - written and oral testimony	612 June St, Twisp	does not satisfy requirements for PD Chapter 18.45 TMC	Conditions of approval require to address PD intent
	"	"	light and glare not addressed	require in CC&Rs
	"	"	no aesthetics considered	Conditions of approval require to address PD intent
	"	"	no landscaping	Conditions of approval require to address PD intent
	"	"	ownership pattern (open space)	Proposed to give to Town
	"	"	not a planned development	interpretation
	"	"	no recreation improvements included	Conditions of approval require to address PD intent

	"	"	air quality	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation. New home construction after final approval will be subject to the codes that exist at that time meaning that new construction regarding wood burning devices will be required of that construction
	"	"	traffic distance to services	similar conditions throughout community
	"	"	no public benefit	will provide for new, much needed, housing opportunities
29	Barbara Irvine	612 June St., Twisp	Access - town's responsibility, fire safety,	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
30	Jerry Heller - oral and written testimony, SEPA Appeal	510B Bridge Street Twisp	failure to address access and permit requirements	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	fire safety	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
31	Delores Barnard	507 Bigelow St Twisp	second access, no plan	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	affordability	Town does not have the ability to set price standards but housing cost is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
32	Marie Tracy - written and oral testimony	Isabelle Lane Twisp	existing regulations insufficient	true but must follow regulations in place, not one's own rules have
	"	"	reduce density to 30 units	Minimum lot sizes do not apply to Planned Development per Table 5, Title 18 TMC
	"	"	second access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	snow removal	Road standards include space for snow removal and storage
	"	"	wood stoves, no alternative energy	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation.

	"	"	pedestrian access	The public road serving the development will have a similar pedestrian facility
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
33	Dave Hopkins and Susan Speir	605 Lookout Place Twisp	access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	fire safety	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
34	Robert Thorpe	Mercer Island	supports development	
35	Suellen White - written and oral testimony	Lookout Mt. Rd Twisp	emergency access, fire safety	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	snow removal	Road standards include space for snow removal and
<b>SEPA APPEALS</b>				
1	Art Tasker/Barbara Gohl	Twisp	Access	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	inaccurate information in checklist regarding slopes	Town relies on facts and figures prepared by licensed surveyors and engineers. Prior to final approval all aspects of the engineering will be reviewed and vetted by the town engineer
	"	"	energy requirements	All new construction has to comply with current insurance related energy conservation requirements
	"	"	noise	must comply with Town's nuisance code
	"	"	density	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
	"	"	affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes

	"	"	lack of mitigation for air quality	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation. New home construction after final approval will be subject to the codes that exist at that time meaning that any new codes regarding wood burning devices will be required of the construction
	"	"	not consistent with comprehensive plan	interpretation
2	Pearl Cherrington	Twisp	objects to characterization as low impact - traffic, air quality fire.	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	No source of fill indicated,	No fill proposed
	"	"	increase in vehicles and wood stoves will affect air quality,	All wood burning devices will have to meet and/or exceed local, state and EPA standards and be required to obtain a permit for installation. New home construction after final approval will be subject to the codes that exist at that time meaning that any new codes regarding wood burning devices will be required of the construction
	"	"	no landscape plan as required by code,	Conditions of approval require to address PD intent
	"	"	potential arsenic/lead issues,	Soil report found levels well below required limits
	"	"	noise	town nuisance code, limit construction hours
	"	"	compatibility to neighborhood,	interpretation issue
	"	"	steep slopes impacted by development	Has to comply with Critical Areas regulations
	"	"	no housing being provided	the intent is to develop lots for housing
	"	"	access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
3	Howard Cherrington	Twisp	Traffic study	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	fire access	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
4	Vince and Nancy Friggione (3)	Twisp	objects to characterization as low impact - traffic, air quality fire	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	No source of fill indicated	No fill proposed

	"	"	increase in vehicles and wood stoves will affect air quality	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
	"	"	no landscape plan as required by code	Conditions of approval require to address PD intent
	"	"	potential arsenic/lead issues	Soil report found levels well below required limits
	"	"	noise	town nuisance code, limit construction hours
	"	"	compatibility to neighborhood,	interpretation issue
	"	"	steep slopes impacted by development	compliance with critical areas regulations
	"	"	no housing being provided	creating lots for housing to be built
	"	"	access	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
	"	"	just do 25 or 30 lots and everyone would be happy	Minimum lot sizes do not apply to Planned Development Table 5, Title 18 TMC
5	Ken and Virginia Borg	5 Isabella Lane	traffic	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
	"	"	emergency access	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
6	Bill and Sandy Moody	620 Moody Lane Twisp	interior lots difficult access	Private access must comply with IFC standards
	"	"	high density development contributes to fire risk	Meet or exceed current Washington State urban/wild requirements
	"	"	lack of standards meeting Cal Fire recommendations	Meet or exceed current Washington State urban/wild requirements
	"	"	not consistent with neighborhood and existing zoning	interpretation issue
7	Jerry Heller	510B Bridge Street Twisp	MDNS not published as required	withdrawn
	"	"	March 8th hearing not advertised	not required
	"	"	inconsistent with zoning	interpretation issue
	"	"	lots contain steep slopes	compliance with critical areas regulations
	"	"	density - fire safety	Will meet or exceed 2018 Urban Wildland Interface k standards and International Fire Code for access
	"	"	private accesses	Private access must comply with IFC standards

8	Marcia Butchart	515 June Street	stormwater runoff	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	fire safety	Will meet or exceed 2018 Urban Wildland Interface best standards and International Fire Code for access
	"	"	increased traffic	traffic study and supplement completed
	"	"	no housing trust purchasers	that is between the Trust and Palms
	"	"	not affordable	Town does not have the ability to set price standards. This is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
9	Isabelle Spohn	419 N. Methow Valley Highway	mitigation in MDNS inadequate for access and air quality.	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
	"	"	Needs to provide specific mitigation measures.	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
	"	"	Call for new regulations and change in materials used for sanding roads,	All wood burning devices will have to meet and/or exceed EPA standards and be required to obtain a permit for installation. New home construction after final approval subject to the codes that exist at that time meaning that regarding wood burning devices will be required of the construction. Issue of resuspended dust is related to the practice, not this proposed development.
	"	"	need to increase planner time	Council issue
<b>Sign-In Sheets from Public Hearing</b>				
1	Marcia Butchart	515 June Street Twisp	who is responsible for stormwater	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	enforce mitigation	depends on mitigation measure, either town, landowner or subsequent purchasers

	"	"	SEPA Appeal	new MDNS will be issued and subject to appeal
	"	"	no housing trust purchasers	that is between the Trust and Palms
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
2	Ellen Aagaard	1 Isabella Lane Twisp	Need pedestrian and cycling facilities	The public road serving the development will have a similar pedestrian facility
	"	"	fire insurance issues	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	increasing costs due to potential number of new homes	market forces and contractor availability
	"	"	prioritizing highest needs	housing is a high priority need
	"	"	market rate rentals, see written comments	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
3	Barbara Gohl	7 Isabella Lane Twisp	does not oppose	
	"	"	application incomplete	interpretation issue
	"	"	not going to be affordable - deceitful	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
	"	"	not enough water, need valley wide water availability study	Town has ample water resources to serve developme responsible for engineering and construction improv needed to meet town and IFC standards
	"	"	need moratorium on development until town has updated plans,	Moratorium cannot affect "vested" application
	"	"	see written comments, SEPA Appeal	
4	Art Tasker	7 Isabella Lane Twisp	fire issues and evacuation, second access not sufficient as it is for emergency vehicles	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	lots to small	Minimum lot sizes do not apply to Planned Developm Table 5, Title 18 TMC
	"	"	houses to close together, sprinkling houses don't address this issue	Meet or exceed current Washington State urban/wild requirements

	"	"	see written comments, SEPA Appeal	
5	Marie Tracy	8 Isabella Lane Twisp	no solar or alternative energy requirements,	Town has no requirements for solar or alternative energy. Any changes to local regulations will affect requirements for projects constructed after PD approval.
	"	"	do need housing but does not think this development will be affordable, no assurance will be affordable	Town does not have the ability to set price standards. Affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes.
	"	"	air quality issues	proposed limits on the number and type of wood burning stoves.
	"	"	see written comments, SEPA Appeal	
6	Barbara Irvine	617 June Street Twisp	ingress and egress, concerned before development proposed, second access besides May Street needs to be provided before development can be approved, see written comments	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
7	Leone Edson	321 Bigelow Street Twisp	objected to Jasmine, but not clear, that she needed to step down, see written comments	
8	Mark Edson (3)	321 Bigelow Street Twisp	does not agree with townhouses, sees them as doubling density of some lots	incorrect interpretation of code
	"	"	issue about open space, make them 10,000 sq ft lots eliminate need for sprinklers and second access,	incorrect interpretation of code
	"	"	Neighbor's feelings and issues don't count	interpretation issue
	"	"	see written comments	
	"	"	18.15.020 conflicts - stricter applies... 18.15.010 - protect existing development over new development	interpretation issue
9	Bill Moody (3)	620 Moody Lane Twisp	Fire issues, ingress and egress, several examples of fires that destroyed communities	Will meet or exceed 2018 Urban Wildland Interface best management standards and International Fire Code for access
	"	"	low density, larger lots, greater setbacks	Minimum lot sizes do not apply to Planned Development. See Table 5, Title 18 TMC
	"	"	responded to new fire code -	Meet or exceed current Washington State urban/wildland interface requirements
	"	"	what is above and beyond and BMPs?	?
	"	"	who will be responsible for enforcing fire code?	Town officials
	"	"	see written comments, SEPA Appeal	



10	Carrie Port	Twisp	Need housing, not sure will be affordable, can't afford a home in Twisp,	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	wants to see more option for "middle class" people	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
11	Emalie Ricco	Twisp	hard to think about staying in the valley due to housing shortage, need housing options	
12	Howard Cherrington(2)	Twisp	Codes and ordinance are intended to provide consistency between existing and planned uses	correct
	"	"	character and density must be considered	Density is compliant with zoning
	"	"	code does not support planned developed	interpretation issue
	"	"	conflicts with existing code and plans	interpretation issue
	"	"	town must uphold the investments of those already there	town is not responsible for people's investment back expectations, can only enforce the plans and codes in
	"	"	see written comments, SEPA Appeal	
13	Barry Stromberger	316 Bugar Street Twisp	concerns have already been brought up	
14	Russ Thomas (3)	Twisp	a lot of concerns shared	
	"	"	supports the Palms	
	"	"	concerned about fire	Meet or exceed current Washington State urban/wildland requirements
	"	"	stormwater flooding	Stormwater management plan required - all stormwater on-site must be handled on-site
	"	"	should require 10,000 sq ft lots	Density is compliant with zoning
	"	"	4 unincorporated landowners need ingress and egress during development (is there an easement)	will need to work with Palms to address issue, is there an easement?
	"	"	questions about who builds second access	Will meet or exceed 2018 Urban Wildland Interface building standards and International Fire Code for access
15	Scott Domergue (2)	501 June Street Twisp	shares many concerns	
	"	"	appreciates PD process	

	"	"	walks ridge and wants to continue to be able to	may be able to if the open space becomes public
	"	"	need to widen Harrison and May to add sidewalks, not safe in winter	traffic study finds existing roadways have capacity for traffic, pedestrian improvements offsite is a neighborhood
	"	"	question affordability	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	not a good place due to single access	it is an issue
	"	"	40 acres due west in town limits, could be another 100 homes	owner has no development plans
	"	"	need second access besides May Street	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	see written comments	
16	Ken Borg	Isabella Lane	fire issues	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	too much density, small lots	Density is compliant with zoning
	"	"	emergency ingress/egress	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	need to provide study of May/Second and Second/SR 20 capacity	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	sprinkler systems a joke	Meet or exceed current Washington State urban/wildland requirements
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	lots too small	Density is compliant with zoning
	"	"	no park	interpretation issue
	"	"	will set dangerous precedent	interpretation issue
	"	"	need to revise rules	can be done, but not effect a vested application
	"	"	see written comments, SEPA Appeal	
17	Lucy Reid	Carlton	not enough water based on previous 1990's study, has town purchased water rights	Town has ample water resources to serve development responsible for engineering and construction improvements needed to meet town and IFC standards

	"	"	should not allow use of town property/easement for second access	interpretation issue
	"	"	town should not accept open space	
	"	"	should not allow woodstoves	All wood burning devices will have to meet and/or exceed local and EPA standards and be required to obtain a permit for installation. New home construction after final approval is subject to the codes that exist at that time meaning any changes regarding wood burning devices will be required of the construction
	"	"	impacts on people	
	"	"	traffic impacts - overly optimistic, will need traffic light or circle	Will meet or exceed 2018 Urban Wildland Interface building standards and International Fire Code for access
	"	"	booster station creates more maintenance by town	booster station already exists, may have to be upgraded but not increase maintenance
18	Doug Irvine (4)	612 June Street Twisp	does not think development in the right place,	interpretation issue
	"	"	does not own ridgeline so can't promise no development,	correct
	"	"	nothing makes this a planned development,	interpretation issue
	"	"	does not meet the intent of code or have park,	interpretation issue
	"	"	will only provide housing for Seattle people, not affordable,	Town does not have the ability to set price standards and affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes but cannot restrict where potential purchasers come from
	"	"	proponents provide misleading information,	Town relies on facts and figures prepared by licensed surveyors and engineers. Prior to final approval all aspects of the engineering will be reviewed and vetted by the town engineer
	"	"	does not require information required by code, ownership pattern, e.g. landscaping,	Conditions of approval require to address PD intent
	"	"	need to define affordable, see written comments	Town does not have the ability to set price standards and affordability is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes

19	Jerry Heller (3)	510 B Bridge Street Twisp	project has significant impact on neighborhood	interpretation issue
	"	"	does not meet requirements of planned development	Conditions of approval require to address PD intent
	"	"	subdivision under guise of PD	interpretation issue
	"	"	will open the door to bad development	interpretation issue
	"	"	should only be 30 lots at 10,000 sq ft	Density is compliant with zoning
	"	"	access need to be decided	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	see written comments, SEPA Appeal	
	"	"	does not agree with SEPA process, needs an EIS	interpretation issue
20	Deb Barnard	507 Bigelow Street Twisp	not affordable, see written comments	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
21	Jocelyn Murray	249 Twisp River Rd Twisp	no comments	
22	Lisa (Doran) Marshall	302 Canyon Street Twisp	mom lives on May St. Excited about more housing	
	"	"	too dense	Density is compliant with zoning
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
	"	"	cut number of lots in half	Density is compliant with zoning
23	Scott Domergue	501 June Street Twisp	Does a long plat require a SEPA Checklist, questions whether impact of proposed PD are the same as a long plat.... Proposed second access	SEPA required for long plat - primary difference betw Plat are the number, size and arrangement of lots.
24	Suellen White	Lookout Mt Road	owns property to the west, irrigated 40 acres, no intention of selling,	
	"	"	not willing to provide access easement, but folks can certainly evacuate to the fields in an emergency	
	"	"	see written comments	
25	Mark Edson (2)	321 Bigelow Street Twisp	claims it 66 lots	interpretation issue
	"	"	confusing town homes and open space question	interpretation issue
	"	"	quoted from comp plan	interpretation issue
	"	"	conflicts	interpretation issue

	"	"	zero setbacks promote fires	Meet or exceed current Washington State urban/wildland interface requirements
	"	"	will need blasting	?
	"	"	too dense	Density is compliant with zoning
	"	"	not coordinated	interpretation issue
	"	"	tearing community apart	interpretation issue
	"	"	does not protect existing development - protecting developers from existing land uses	interpretation issue
	"	"	see written comments.	
26	Ellen Aagaard (4)	1 Isabella Lane Twisp	town accept open space but require improvements - ADA parking, access, trails	A decision has to be made, by council, if the open space is accepted by the Town
	"	"	does the town have the ability to construction and maintain improvements, other options for preserving open space, opens spaces not connected, part of open space has portion of road	If the Town accepts the open space, plans will have to be approved and funding secured if any formal improvements are required
	"	"	stormwater infiltration ponds should not be in open space	open space areas will be recalculated to ensure such improvements are not included unless permitted by the Town
	"	"	does not really adhere to a planned development - especially the open space and lack of public amenities	interpretation issue
	"	"	see written comments	
27	Brian McAuliffe (3)	610 May Street Twisp	stormwater management, will flood his property	Stormwater management plan required - all stormwater must be handled on-site
	"	"	not opposed to development	
	"	"	don't add to existing issues, fire code access - width of streets, enforcement	Will meet or exceed 2018 Urban Wildland Interface standards and International Fire Code for access
	"	"	inadequate snow removal	Street is designed to meet Town standards and include snow storage
28	Lorah Super	980 Twisp Carlton Rd Twisp	MVCC - growth needs to be planned for the Towns to protect the valley	the Town understands its role in providing higher density in order to help preserve the open space and aesthetic value of the unincorporated areas.

	"	"	does not necessarily provide affordable housing	Town does not have the ability to set price standards is an important issue, proponent is attempting to increase affordability by increasing density and clustering homes
	"	"	wildfire safety, ingress/egress, - not full responsibility of developer, however, something needs to be done before approval	Will meet or exceed 2018 Urban Wildland Interface building standards and International Fire Code for access
	"	"	need to involve the tribes	Tribes have been included in project review and SEPA
	"	"	need to delay approval of new developments until HAP is done	Developments not yet vested could be delayed, this project is vested under current zoning and regulations
29	Paula Mackrow	515 Twisp Ave Twisp	hold open for comment until issues are resolved,	Statutory timelines do not provide for additional time if needed is required.
	"	"	agree with all other comments,	
	"	"	SEPA appeal - adverse impacts to natural and built environment must be addressed, MDNS does not provide specific mitigation measures, issue can be resolved by withdrawing the MDNS and new one with specific mitigation	New MDNS will be issued that provides detailed mitigation measures based on the mitigations proposed by applicant required as conditions of approval recommended by Commission.
30	Dennis Doyle	409 Bigelow Street Twisp	see written comments	
31	Isabelle Spohn (3)	419 N. Methow	cart before the horse with several large developments coming, are this many homes needed?	The Town can only enforce the codes as they exist, they will determine the final outcome, hopefully the HAP will address the issue of how many homes are needed.... Turning that into a kind of enforceable code is another matter.
	"	"	MDNS issue from Spokane county re: emergency access, air quality	Similar but very different situation in Spokane, hundreds of homes in a forested setting.
	"	"	Ecology concerned about Twisp air quality, woodstove upgrade program, concerned that town is only doing bare minimum on air quality, nothing about resuspended dust during winter	All wood burning devices will have to meet and/or exceed local and EPA standards and be required to obtain a permit for installation. New home construction after final approval is subject to the codes that exist at that time meaning that new regulations regarding wood burning devices will be required of the town for construction. Issue of resuspended dust is related to current practice, not this proposed development.
	"	"	see written comments	

32	Lisa (Doran) Marshall	North Methow Valley Highway	Thoughts on four way stops at Second/SR 20?	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	Traffic, May St inadequate	Will meet or exceed 2018 Urban Wildland Interface b standards and International Fire Code for access
	"	"	who is responsible for maintaining roadways,	Town once built
	"	"	not affordable	Town does not have the ability to set price standards is an important issue, proponent is attempting to inc affordability by increasing density and clustering hon
33	Katrina Menudy?		How can move forward without egress and stormwater not addressed	Conditions required stormwater and access be design constructed to meet Town and International fire cod
34	Sarah Schrock (2)	Bigelow	In her professional opinion the project does not meet the intent of the PD process, open space not adequately addressed, Parks Committee wants it dedicated	Conditions of approval require to address PD intent

*STATE ENVIRONMENTAL POLICY ACT*  
**Mitigated Determination of Non-Significance**

May 24, 2023

**Town of Twisp**

**Agency Contact:** Kurt Danison. [townplanner@townoftwisp.com](mailto:townplanner@townoftwisp.com), 509 997 4081

**Agency File Number:** PD22-02

**Description of Proposal:**

*Palm Investments North LLC/Jerry and Julie Palm of Winthrop, Washington have submitted a revised application for preliminary approval of a 52 lot Planned Development to the Town of Twisp. The proposal entails development of Parcel No. 3322180099 with 52 residential lots ranging in size from 3,630 sq ft to 8,903 sq.ft. with 3 open space tracts of 8,390 sq.ft., 116,669 sq.ft. and 171,156 sq ft. As a planned development the application requests that interior lots have a zero-side yard setback. The proposed planned development, which proposed streets, water and stormwater utilities built to Town standards, is located west of the Painters Addition to Twisp with access from Harrison Street and proposed emergency access to Isabella Lane within the Town's reservoir access easement, within Section 18, Township 33 N., Range 22 E.W.M.*

**Applicant:** *Palm Investments LLC  
PO Box 322  
Winthrop, WA 98862  
[Palmci1@gmail.com](mailto:Palmci1@gmail.com)  
509 322 3032*

The Town of Twisp has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below, the Environmental Checklist is attached and the application, special studies and related materials are available at: [townoftwisp.com](http://townoftwisp.com).

This determination is based on the following findings and conclusions:

*The application for the proposed planned development underwent a preliminary review process wherein a Determination of Non-Significance ("DNS") was issued by the Town and was subject to numerous comments and several appeals. As a result, the Town withdrew the DNS and provided the applicant with a list of items to address in a revised SEPA Checklist and application for the planned development ("PD"). The Town issued a Mitigated Determination of Non-Significance ("MDNS") on January 5, 2023, which was withdrawn as it was on the wrong form, then a new MDNS was issued on February 1, 2023, which was also withdrawn on March 23, 2023, when a commentor correctly pointed out that the notice provided did not meet the requirements of state statute.*



*The Planning Commission completed the required Public Hearing process on April 26, 2023, then began discussion of the conditions to be placed on the recommendation for preliminary approval of the PD. The hearing process entailed the Planning Commission completing its discussion of the proposed conditions on May 10, 2023, with the conditions primarily intended to address the issues brought up via the written comments from 35 individuals and couples, another 34 individuals (some also provided written comments) commenting during the public hearing process and the 9 appeals/comments submitted on the February 1, 2023, MDNS.*

*This final MDNS was not prepared until the conditions placed on the Planning Commission's recommendation for preliminary approval was determined as the conditions are an important part of the mitigation required to address potential significant impacts on the environment.*

*Many of the comments received on the original DNS and subsequent MDNS (withdrawn) mirrored the comments submitted on the PD application itself and were more about the Town's land use plans, codes and regulations, however, the following items have been addressed in the revised SEPA Checklist and the conditions of preliminary approval recommended by the Planning Commission:*

- 1. Air Quality*
- 2. Glare and light pollution*
- 3. Critical Areas*
- 4. Design Standards*
- 5. Density*
- 6. Traffic – volume, road capacity and emergency access*
- 7. Wetlands - delineation*
- 8. Stormwater – how will it be handled*
- 9. Consistency with Comprehensive Plan*
- 10. Consistency with Zoning Code*
- 11. Wildfire*
- 12. Contamination from previous agricultural use*

*The mitigating conditions set forth in the Mitigation Plan supporting this Mitigated Determination of Non-Significance attached hereto are requirements of approval of the PD.*

This MDNS is issued under WAC 197-11-350 and the comment period will end on *June 23, 2023*. Comments can be submitted to Kurt Danison, Town Planner, [townplanner@townoftwisp.com](mailto:townplanner@townoftwisp.com), P.O. Box 278, Twisp, WA 98856 509 997 4081

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

Date May 24, 2023

Appeal process:

You may appeal this determination to:

Okanogan County Superior Court  
149 3<sup>rd</sup> Ave. South  
Okanogan, WA 98840

No later than:

July 19, 2023

# Orchard Hills Planned Development

## Mitigation Plan

One of the conditions for preliminary approval of the PD requires that all mitigation measures set forth in the revised SEPA Checklist and any addendums thereto are required to be implemented and maintained throughout the life of the project.

### **Air Quality**

The applicant notes in the SEPA Checklist that all woodstoves must meet current state and federal standards and that the Department of Ecology publication “Methods for Dust Control” 2016 will be utilized to prepare a dust control plan in accordance with the Town of Twisp’s codes and regulations and best management practices.

The conditions for preliminary approval of the PD require that the Covenants, Conditions and Restrictions required prior to final approval contain a statement that limits each unit to one wood burning apparatus with no fireplaces allowed. Another condition is that the PD be redesigned so that there is at least 30 feet of clear space between structures, which will result in a reduction of the number of lots thus reducing the number of potential wood burning devices. It should also be noted that the Town may amend its code related to wood burning devices after the final approval of the PD. Any new construction within the PD would have to meet the new standards, that may further reduce the number and/or type of wood burning devices that in turn will reduce impacts to air quality.

The issue of resuspended dust from winter sanding operations is a Town issue that is not the responsibility of the developer.

### **Glare and light pollution**

The applicant notes in the SEPA Checklist that the project will adhere to current Town lighting standards and will limit all building sites to at least 30’ below the ridgeline. The conditions for preliminary approval of the PD states that the Covenants, Conditions and Restrictions required prior to final approval contain a statement that all exterior lighting comply with “Dark Sky” standards. It should also be noted that the Town may amend its code related to outdoor lighting after the final approval of the PD. Any new construction within the PD would have to meet the new standards, that may further reduce the potential for light and glare impacts.

### **Critical Areas**

Portions of the project site have been designated as Geological Hazardous Areas and Critical Aquifer Recharge Areas in the Town’s Comprehensive Plan. The applicant submitted a Geotechnical Report and a Limited Environmental Investigation prepared by qualified professionals. The studies provided data on the soils, topography, soil permeability and potential contamination from historic use of portions of the site as a commercial orchard. In general, the Geotechnical Report found the site suitable for the type of development being proposed and contained recommendations for measures to reduce potential impacts. The Limited

Environmental Investigation did find evidence arsenic in the soils on the project site and made the following recommendation:

“Because arsenic was detected in soil above the MTCA Method A cleanup level at the Subject Property, Ecology requires additional environmental investigation and/or cleanup to meet the requirements of MTCA and Ecology's Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington (July 2021, Publication No. 21-09-006). The highest concentrations of arsenic were measured in soil samples collected at depths of 8 and 10 feet bgs from test pits located nearest the bedrock ridge in the western portion of the Subject Property. It is possible that naturally occurring arsenic in the bedrock is a source of arsenic to soil at the Subject Property. However, because the Subject Property was historically used as orchard land, Ecology will likely require a background study of naturally occurring arsenic, completed in accordance with WAC 173-340-709, to establish area soil background concentrations and evaluate future cleanup requirements for the Subject Property.”

The applicant notes in the SEPA checklist that temporary sediment/erosion control measures will be incorporated during construction to prevent sediment transport off site. NPDES Construction Storm Water Permit from DOE will be obtained, and an associated plan implemented. All land disturbed during construction will be stabilized and revegetated. Measures to reduce or control erosion include stormwater management and dedication of permanent open space.

### **Design Standards**

The applicant notes in the SEPA Checklist that the project will comply with current Town standards.

The conditions for preliminary approval of the PD requires that the Covenants, Conditions and Restrictions required prior to final approval contain design criteria and standards for new homes and accessory buildings consistent with the requirements of TMC 18.45.050(2)

### **Density**

The proposed PD includes 52 individual single-family residential lots ranging in size from 3,630 sq ft to 8,903 sq.ft. with 3 open space tracts of 8,390 sq.ft., 116,669 sq.ft. and 171,156 sq ft. The PD was determined to meet the density standards set forth in the Twisp Zoning Code (Title 18, Table 5). While the proposed development is in an area zoned R1, with a minimum lot size of 10,000 sq ft, Table 5 contains a footnote indicating that the minimum lot size does not apply to a PD. Comprehensive Plan and Zoning regulations encourage PDs as a means to protect open space and critical areas by allowing flexibility in design, which includes clustering of dwellings on smaller lots.

As a result of the recommendations provided by a professional Fire Marshall, preliminary approval is conditioned on a redesign of the PD to ensure at least 30 feet between all structure envelopes. This will result in a reduction of the density in the final PD as lots will have to be combined and/or enlarged to address this requirement.

### **Traffic**

The applicant notes in the SEPA Checklist that a study by independent consultant SJC Alliance estimates that there will be 563 new trips per day on May St and Harrison Ave. The study noted

that the existing street network has the capacity to handle the increased traffic, The applicant also provided a supplemental traffic study that examined the current and projected capacity of the intersections of May Street and Second Avenue and Second Avenue and S.R. 20. The supplement found that both intersections have the capacity to address existing as well as projected traffic volumes.

As a result of the Fire Marshall's recommendation, preliminary approval is conditioned on the applicant working with the Town to amend the Emergency Response Plan to include traffic control at the intersection of May Street and Second Avenue if an evacuation order is given for the May Street neighborhood.

### **Wetlands**

The applicant provided a Wetlands Assessment conducted by a qualified professional. The Assessment found no wetlands on the subject property.

### **Stormwater**

The applicant states in the SEPA Checklist and a preliminary Stormwater Management Plan that stormwater runoff will result from developed hardscape areas including buildings, roadways, pedestrian paths, and parking areas. These areas will be directed via sloped surfaces and conveyance piping to water quality and infiltration swales or dry wells designed and sized to meet the requirements of the DOE Stormwater Manual for Eastern Washington 2019.

The conditions for preliminary approval of the PD requires: "A stormwater management plan compliant with Town standards and the Eastern Washington Stormwater Management Manual has to be prepared by a licensed engineer and approved by the Town and required improvements constructed to ensure that stormwater runoff from the development is retained, treated and dispersed within the project boundaries."

### **Consistency with Comprehensive Plan**

The applicant states in the SEPA Checklist that the proposal is developed pursuant to adopted Town of Twisp regulations. This is a proposed residential development with less overall density than the current zoning.

The Staff Report prepared for the Planning Commission noted that there are conflicts between the Comprehensive Planning and Zoning code: "The Town's Comprehensive Plan contains some contradictory goals and principles. Some support the type of development planned for Orchard Hills others seem to discourage such development. The provisions related to Planned Development support the proposed Orchard Hills planned development. The Planning Commission will have to determine whether recommending approval of the planned development, as conditioned, is consistent with the comprehensive plan."

The Planning Commission recommendation to Council to grant preliminary approval subject to a list of conditions means they determined that with conditions the PD is consistent with the Comprehensive Plan.

## **Consistency with Zoning Code**

The applicant states in the SEPA Checklist that the proposal is developed pursuant to adopted Town of Twisp regulations. This is a proposed residential development with less overall density than the current zoning.

The Staff Report prepared for the Planning Commission noted that there are conflicts between the Comprehensive Planning and Zoning code: “There is a conflict between the intent of the R1 zoning district and the regulations which provides for the reduction of minimum lot sizes through the PD process. There is also a conflict with the comprehensive plan which calls for a maximum density of 4 units per acre rather than the 6 permitted under zoning. However, as the zoning code has been adopted by ordinance, the zoning provisions prevail. The proposed use is considered allowed as it consists of single-family residences and falls within the allowable zoning density providing it follows the requirements for a planned development.”

The Planning Commission recommendation to Council to grant preliminary approval subject to a list of conditions means they determined that with conditions the PD is consistent with the Zoning Code.

## **Wildfire**

One of the key issues raised during the public review process was wildfire and the impact the number of new dwellings would have on traffic in the event of an emergency and the small lots limiting the space between structures thus contributing to fire spread in the event of a wildfire.

The Town retained a professional Fire Marshall who visited the site, reviewed the plans, and provided recommendations that addressed both issues. As a result, the Planning Commission recommended the following conditions be met prior to the PD being granted final approval:

- That all provisions of the International Fire Code related to access and fire flow be included in project designs and be built or bonded prior to granting of final approval of the PD.
- That the planned emergency access road, if approved, cannot be barricaded, and must be maintained year-round.
- That prior to final approval the applicant participates with the Town in the amendment of the adopted Comprehensive Emergency Response Plan that sets forth a plan for traffic control in the event of a wildfire or other emergency that necessitates evacuation of the May Street neighborhood.
- That all construction be completed in compliance with applicable requirements of the International Building Code and all homes meet the 2018 International Wildland-Urban interface code and that all homes be equipped with fire sprinklers if a second access isn't provided. A note on the final plat will also be required referencing the requirement that all homes meet the 2018 International Wildland-Urban Interface code and fire sprinklers be provided if a second access isn't provided.
- That each lot be labeled with an E911 address prior to filing and recording of PD Plat.
- That the Town amend its Capital Facilities Plan and Six Year Transportation Improvement Plan to add a second point of access from the May Street neighborhood to the Twisp Carlton Road with the intent of completing the project within 5 years.

- That a 100-foot-wide buffer as per Fire Marshall recommendation be created along the western boundary of the development from the western property line to Harrison Street. Such buffer shall be gravel, irrigated grass or other acceptable fire-resistant vegetation and must be completed prior to deeding of open space to Town.
- That a fire hazard reduction plan prepared by a qualified professional be prepared, approved by the Town and implemented in the proposed open space area south of Harrison Street be completed prior to deeding of open space to Town.
- That the PD be redesigned to eliminate proposed townhomes and modify lot sizes to ensure that there is a minimum of 30 feet of clear space between the eave line of structures.

### **Contamination from previous agricultural use**

Portions of the project site have been designated as Geological Hazardous Areas and Critical Aquifer Recharge Areas in the Town's Comprehensive Plan. The applicant submitted a Geotechnical Report and a Limited Environmental Investigation prepared by qualified professionals. The studies provided data on the soils, topography, soil permeability and potential contamination from historic use of portions of the site as a commercial orchard. In general, the Geotechnical Report found the site suitable for the type of development being proposed and contained recommendations for measures to reduce potential impacts. The Limited Environmental Investigation did find evidence arsenic in the soils on the project site and made the following recommendation:

"Because arsenic was detected in soil above the MTCA Method A cleanup level at the Subject Property, Ecology requires additional environmental investigation and/or cleanup to meet the requirements of MTCA and Ecology's Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington (July 2021, Publication No. 21-09-006). The highest concentrations of arsenic were measured in soil samples collected at depths of 8 and 10 feet bgs from test pits located nearest the bedrock ridge in the western portion of the Subject Property. It is possible that naturally occurring arsenic in the bedrock is a source of arsenic to soil at the Subject Property. However, because the Subject Property was historically used as orchard land, Ecology will likely require a background study of naturally occurring arsenic, completed in accordance with WAC 173-340-709, to establish area soil background concentrations and evaluate future cleanup requirements for the Subject Property."

The applicant notes in the SEPA Checklist that temporary sediment/erosion control measures will be incorporated during construction to prevent sediment transport off site. NPDES Construction Storm Water Permit from DOE will be obtained, and an associated plan implemented. All land disturbed during construction will be stabilized and revegetated. Measures to reduce or control erosion include stormwater management and dedication of permanent open space.

### **Recreation**

The applicant states in the SEPA Checklist that currently residents of Painter's Addition use the land without permission for hiking. By putting 40% into open space and maintaining an informal route to the ridge summit and the informal hiking will be legal and maintained into the future. The applicant proposes to donate the open space land to the Town.

The Planning Commission recommends that the Town accept the donation and begin planning for

appropriate development of the property.

To: City/town Mayors

From: AWC President Rob Putaansuu, Mayor Port Orchard

CC: City manager/administrator, clerk

Date: May 8, 2023

Subject: 2023 AWC Business Meeting

RECEIVED

MAY 10 2023

TWIS- CLERKS OFFICE

On behalf of the AWC Board of Directors, I am pleased to invite you to attend the **AWC Business Meeting on Thursday, June 22, 2023, from 4 to 5:45 pm at the Spokane Convention Center, 334 West Spokane Falls Blvd., Spokane, WA 99201.** An online option will also be available.

The Business Meeting will take place in conjunction with the AWC Annual Conference. I encourage representatives from your city to participate by appointing voting delegates. There is no requirement to attend the Annual Conference to participate in the Business Meeting, whether you join us in person or online.

AWC Bylaws allow each city to appoint up to three voting delegates. The Bylaws do not specify a method or form cities must use to appoint delegates. If your city determines these appointments through council action, please share this information with your city council.

Voting delegates have the opportunity to influence the operations of AWC by electing members of the AWC Board of Directors and engage on issues that affect cities. Each voting delegate has one vote.

Once the mayor, city manager/administrator, or council has determined the city's voting delegates for the 2023 Business Meeting, please submit their names and contact information using the online form found on the AWC website: [wacities.org/businessmeeting](http://wacities.org/businessmeeting).

The deadline for submitting voting delegates is **5 pm on Thursday, June 15, 2023.** If you have any questions, please contact Betsy Hildreth at [betsyh@awcnet.org](mailto:betsyh@awcnet.org) or 360.753.4137.

Additional information on the Business Meeting, the AWC Board of Directors, and the Annual Conference can be found on AWC's website: [wacities.org](http://wacities.org).

*Agenda*  
*Active Voting members*



## WARRANT/CHECK REGISTER

Town Of Twisp

Time: 13:22:59 Date: 06/07/2023

05/24/2023 To: 06/13/2023

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Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1094	05/31/2023	Payroll	1	EFT		1,029.86	
1095	05/31/2023	Payroll	1	EFT		1,789.22	
1096	05/31/2023	Payroll	1	EFT		1,554.66	
1097	05/31/2023	Payroll	1	EFT		4,602.07	
1098	05/31/2023	Payroll	1	EFT		91.77	
1099	05/31/2023	Payroll	1	EFT		1,846.90	
1100	05/31/2023	Payroll	1	EFT		2,219.52	
1101	05/31/2023	Payroll	1	EFT		549.58	
1102	05/31/2023	Payroll	1	EFT		3,025.76	
1103	05/31/2023	Payroll	1	EFT		2,493.46	
1104	05/31/2023	Payroll	1	EFT		1,716.15	
1105	05/31/2023	Payroll	1	EFT		2,560.54	
1106	05/31/2023	Payroll	1	EFT		5,211.19	
1107	05/31/2023	Payroll	1	EFT		717.03	
1109	05/31/2023	Payroll	1	EFT	Internal Revenue Service	13,532.92	941 Deposit for Pay Cycle(s) 05/01/2023 - 05/31/2023
1110	05/31/2023	Payroll	1	EFT	AFLAC	29.40	Pay Cycle(s) 05/01/2023 To 05/31/2023 - AFLAC (Sec 125); Pay Cycle(s) 05/01/2023 To 05/31/2023 - AFLAC (Post)
1111	05/31/2023	Payroll	1	EFT	AWC Employee Benefits Trust	8,822.44	Pay Cycle(s) 05/01/2023 To 05/31/2023 - AWC Medical
1112	05/31/2023	Payroll	1	EFT	Department Of Retirement Systems	9,161.08	Pay Cycle(s) 05/01/2023 To 05/31/2023 - PERS 2; Pay Cycle(s) 05/01/2023 To 05/31/2023 - LEOFF 2; Pay Cycle(s) 05/01/2023 To 05/31/2023 - Deferred Comp; Pay Cycle(s) 05/01/2023 To 05/31/2023 - PERS 3
1113	05/31/2023	Payroll	1	EFT	Navia Benefit Solutions	2,526.33	Pay Cycle(s) 05/01/2023 To 05/31/2023 - Navia Benefit Solutions
1114	05/31/2023	Payroll	1	37862	Teamsters Local Union No. 760	103.00	Pay Cycle(s) 05/01/2023 To 05/31/2023 - Teamsters Union Dues
						18,412.54	001 General Fund
						4,730.09	101 Street Fund
						397.35	103 Tourism 2%
						17,660.76	401 Water Fund
						22,382.14	404 Sewer Fund

63,582.88 Payroll: 63,582.88

# WARRANT/CHECK REGISTER

Town Of Twisp

Time: 09:26:28 Date: 06/09/2023

06/09/2023 To: 06/30/2023

Page: 1

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
1150	06/09/2023	Claims	1	EFT	North Cascades Bank	21,955.90	
1151	06/09/2023	Claims	1	37863	Aquatic Specialty Services	272.04	
1152	06/09/2023	Claims	1	37864	Beckwith Consulting Group	7,125.00	
1153	06/09/2023	Claims	1	37865	Cascade Concrete	345.00	
1154	06/09/2023	Claims	1	37866	Cascade Pipe & Feed Supply, Inc	569.55	
1155	06/09/2023	Claims	1	37867	CenturyLink Communications, LLC	400.65	
1156	06/09/2023	Claims	1	37868	Kurt E. Danison	2,376.73	
1157	06/09/2023	Claims	1	37869	Andrew T Denham	345.98	
1158	06/09/2023	Claims	1	37870	Department of Ecology	1,106.22	
1159	06/09/2023	Claims	1	37871	Fogle Pump & Supply	4,837.15	
1160	06/09/2023	Claims	1	37872	Attn: Accounts Rec. Foster Garvey P.C.	7,500.00	
1161	06/09/2023	Claims	1	37873	Grainger	912.43	
1162	06/09/2023	Claims	1	37874	Hach Company	942.43	
1163	06/09/2023	Claims	1	37875	Hank's Market	30.16	
1164	06/09/2023	Claims	1	37876	Jim's Pumping Service	210.00	
1165	06/09/2023	Claims	1	37877	Dennis Jones	516.33	
1166	06/09/2023	Claims	1	37878	Lloyd Logging Inc.	226.09	
1167	06/09/2023	Claims	1	37879	Methow Valley News Publishing LLC	2,401.09	
1168	06/09/2023	Claims	1	37880	Methownet.com	447.00	
1169	06/09/2023	Claims	1	37881	National Barricade & Sign Co	741.88	
1170	06/09/2023	Claims	1	37882	Okanogan County Public Works	32.93	
1171	06/09/2023	Claims	1	37883	Oxarc	28.18	
1172	06/09/2023	Claims	1	37884	PUD No 1 of Okanogan County	20.19	
1173	06/09/2023	Claims	1	37885	Pape Machinery	431.70	
1174	06/09/2023	Claims	1	37886	Quill	29.98	
1175	06/09/2023	Claims	1	37887	Shred-it	1.26	
1176	06/09/2023	Claims	1	37888	Verizon Wireless	665.58	
1177	06/09/2023	Claims	1	37889	WasteWise Methow	500.62	
1178	06/09/2023	Claims	1	37890	Weinstein Beverage Corp	435.80	
1179	06/09/2023	Claims	1	37891	Xerox Corp	246.33	
						15,009.30	001 General Fund
						1,445.32	101 Street Fund
						345.00	102 Transportation Benefit District
						306.50	103 Tourism 2%
						7,500.00	309 Civic Building/EOC
						23,062.12	400 Debt Service-Water/Sewer Fund
						5,824.61	401 Water Fund
						2,161.35	404 Sewer Fund
						55,654.20	Claims:
						55,654.20	55,654.20

WARRANT/CHECK REGISTER

Town Of Twisp

Time: 09:26:28 Date: 06/09/2023

06/09/2023 To: 06/30/2023

Page: 2

Trans	Date	Type	Acct #	War #	Claimant	Amount	Memo
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**CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described and that the claim is a due and unpaid obligation against the Town of Twisp and that I am authorized to authenticate and certify to said claim.**

**Clerk/Treasurer** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Council Signatures:**

**Hans Smith** \_\_\_\_\_

**Mark Easton** \_\_\_\_\_

**Alan Caswell** \_\_\_\_\_

**Aaron Studen** \_\_\_\_\_

**Katrina Auburn** \_\_\_\_\_