

TOWN OF TWISP STAFF REPORT
BLACKBIRDS GARDEN APARTMENTS PLANNED DEVELOPMENT

TO: TOWN COUNCIL
FROM: KURT DANISON, TOWN PLANNER
SUBJECT: PLANNING COMMISSION STAFF REPORT
DATE: 9/14/23
CC: Carla Smith – SPD23-01 PD23-03

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

Project Description:

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

Chronology:

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

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

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

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

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

zoning regulation, and prepare a recommendation to the Town Council on whether to grant preliminary approval of the PD, approval with conditions or deny the request.

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

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

Applicable Codes and Town Standards:

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

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

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

The proposed planned development is consistent with the intent of the Land Use Designation applied

to the subject property.

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

The project must follow 14.05.27, the application for a Shoreline Substantial Development permit was included as part of the project review and SEPA determination.

The proposed planned development is an allowed use and the plan as submitted meets all requirements for the preliminary approval process. As a result of comments received during the preliminary review process, changes to the site and development plan will likely be required before final approval can be granted.

SEPA, Critical Areas and Shorelines:

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

Planning Commission Public Hearing:

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

Comments Received:

The application and related materials were mailed or e-mailed to commenting agencies (see list in project file) and a notice provided to adjoining landowners on July 27, 2023. As of the date of the Public Hearing, three written comments had been received and two persons testified during the public hearing. Comments and recommended responses follow:

Andrew Denham, Twisp Public Works Director

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

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

The recommendation is to require all of Andrew's comments be required and be satisfactorily addressed prior to the granting of final approval.

Sandra Strieby, Methow Valley Irrigation District

Comments: The site of the proposed development is assessed by MVID. MVID respectfully requests that the Town of Twisp require the following conditions prior to development of the proposed project.

- That the project proponent consult with MVID on design and installation of any irrigation infrastructure required to serve the proposed development.
- That the project proponent secure any easements required of access to MVID's existing infrastructure.
- That the project proponent grant any easements that MVID will require for repair and maintenance of any district infrastructure developed on the site. MVID requires a 50' (fifty-foot) access easement that provides 25' (twenty-five feet) on each side of the centerline of district infrastructure.
- That all buildings, paved surfaces, fences, landscaping, and other obstructions be set back at least 25' (twenty-five feet) from MVID irrigation infrastructure so that adequate space is available for repair and maintenance of that infrastructure.
- That the entrance to the development be located and built so as not to impinge on any planned or existing irrigation lines or other infrastructure.

The recommendation is to require all of the District's comments be satisfactorily addressed prior to granting of final approval with the following exceptions: The District, as required the Franchise Agreement with the Town, is required to flag the location of its irrigation lines and appurtenant facilities and any required easements must be negotiated with the landowners, especially since it appears there are no existing easements.

WSDOT – Would like to see access to State Highway through County/City roads.



The recommendation is that while closing accesses to the Methow Valley Highway is not a bad idea, the proponents do not own the property and cannot be forced to acquire it for access.

Recommendation by Staff:

Staff recommends that the Town Council grant approval subject to the following conditions and findings.

Proposed Conditions:

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

Findings of Fact

1. The Craig Bunney is the legal owner of the property.
2. There is a recognized public need for housing in the Community.
3. The development proposal of 5-unit apartment complex is consistent with the

- comprehensive plan designation and uses allowed by zoning for the subject property and requires a variance.
4. 30% of the project site will be permanent open space.
 5. Long-term maintenance of open space will be subject to CC&Rs administered through a homeowner's association and will not burden the Town of Twisp.
 6. Upon build-out of the five apartments, physical characteristics of the site and access considerations will eliminate future land division.
 7. Development of the property will not displace public recreation opportunities.
 8. The proposal does not contemplate development of land identified in the comprehensive plan as unsuitable because of steep slopes, floodplain, or wetlands.
 9. The proposal will not adversely affect wildlife habitat identified in the comprehensive plan for special consideration.
 10. The development site is essentially flat and will not pose risks of inappropriate stormwater runoff. Development of the property is subject to town and state requirements for stormwater management.
 11. The development will create additional impervious surfaces. A plan for managing stormwater runoff, developed by a licensed civil engineer, is required.
 12. The applicant submitted a conceptual landscaping plan addressing active and passive areas along with open space.
 13. The volume of additional vehicle travel is consistent and compatible with the transportation element of the comprehensive plan.
 14. The proposal includes on-site and off-site improvements to pedestrian facilities. Such improvements will provide more transportation choices to town residents.
 15. The applicant demonstrated through a preliminary utility plan that the development will be adequately served by water, sewer, and electrical service.
 16. The planning commission finds that the information provided by the applicant demonstrates that the proposal will not have an adverse effect on health, safety, and general welfare of the community and that an overwhelming public benefit will result from the project.
 17. The property has access to Town water and sewer.
 18. The project is consistent with the goals, policies, and intent of the Comprehensive Plan.
 19. The project is consistent with the requirements of Chapter 18, Zoning Code.
 20. All requirements for processing a Type IV Permit stated in Chapter 14 TMC were followed.
 21. That a public notice of the application and determination of non-significance was published in the Methow Valley News on August 4, 2023.
 22. A notice of the public hearing was published in the Methow Valley News on September 6, 2023.
 23. That the applicant posted the property on August 10 and 23, 2023.