

# Town of Twisp

## Council Minutes – 4/26/22

Mayor Pro Tem Smith called the video conference meeting to order at 5:32 pm.

Council Members present via phone/video: Mark Easton  
Aaron Studen  
Alan Caswell  
Katrina Auburn  
Hans Smith

### **Pledge of Allegiance:**

Council Member Easton led the Pledge of Allegiance.

### **Additions/Deletions to the Agenda:**

N/A

### **Public Comment:**

The following Public Comments were submitted in writing:

An open letter to Mayor Soo Ing-Moody, Twisp Council Members, Kurt Danison (Town Planner), Twisp Planning Commission Members

Dear Sirs:

I attended the Town Council meeting on Tuesday, April 12, 2022. Thank you for taking up the important issue of nightly rentals. The resolution to adopt a temporary moratorium was a good first step in protecting our woefully deficient housing stock and prioritizing our residents over tourists. We must solve the valley-wide housing crisis or the workforce shortages we are already experiencing will only continue to grow.

I am however, deeply disappointed in the decision to unilaterally exclude the Commercial Zones from the moratorium. I believe this decision was based, at least in part, on an inaccurate assertion that these zones were not represented in the public comments. To the contrary, several of the folks who signed the petition that was delivered to the Council, as well as some who gave verbal testimony, live in and are directly concerned with the commercial zones. I suggest the meeting format was limited (maybe even flawed) in that it did not allow for a dialogue between Town leadership and citizens. There was no opportunity for the citizenry to refute the assertion.

Looking at the Town of Twisp zone mapping, a rather large percentage of land is included in commercial zones. As you also know, there are a fair number of single-family homes that were originally in residential zones, but have, over the course of time, been rezoned commercial. Many of these homes have continued to be used in a residential manner, despite their current zoning. Last week, I conducted a survey of such residences and counted 57. That is 57 units of residential housing that have been left unprotected by the moratorium.

These critical housing units deserve at least temporary protection from conversion to nightly rentals until the Town, in concert with citizens, has an opportunity to thoroughly and thoughtfully review the current situation and develop new and appropriate regulations.

One way to look at this during the moratorium period may be to differentiate the types of buildings affected in the commercial zones. For example, perhaps true ‘commercial buildings’ could be exempt

from the moratorium, while ‘residential structures’ are protected by the moratorium. It seems fair to say, that during the Town Council meeting, there was confusion around the process to institute and formalize the moratorium. It appears to me (based on the instructions included in the letter from the Town’s legal counsel that was briefly shared in the video call), that perhaps the Town Council did indeed pass a moratorium with exclusions, by way of ordinance; that the moratorium is now in effect; and, that the next step would be a public hearing (within 60 days), after which, the Town will adopt findings of fact, then issue a formal ordinance.

If that is correct, I am hopeful that a more dynamic dialog could be facilitated at the public hearing, and that following the hearing, there would be opportunity for Town Council to amend the ordinance.

If my assumptive understandings are incorrect, I implore you to find a path to reconsider the terms of the moratorium. Perhaps this is as simple as putting the issue back on the Council agenda, and accepting additional public comment in support of a revision. I am clearly not familiar with the inner workings of these processes! But one thing I do know ... we need Town leadership to get this right. Much rests on this decision.

A separate, but related matter provides another illustration of how this commercial zone exclusion from the moratorium is not in step with the reality on the ground, as related to the proposed Twisp Townhomes PD. This parcel is zoned C-R, and, according to the submitted Development Documents, is intended for residential use. This Planned Development has the potential to add 10 much needed workforce housing units ... a number that is significant and meaningful. But if they are not protected from nightly rental, they will be snapped up by investors and put on the open nightly rental market. There is a strong argument, which is widely supported by various voices in the community, to approve the application with ‘no nightly rentals’ as a condition of approval. Several letters outlining a path to this conditional approval were delivered to the Twisp Planning Department in advance of the April 12th Town Council meeting (these letters should be distributed to all members of the Town Council), and verbal testimony at the April 28th Planning Commission public hearing should be expected.

I recognize this issue is made a bit complicated by way that it spans multiple departments within the Town. However, in the end, it will take the Town Council, Planning Department and Commission, along with the mayor and citizens, to thoughtfully resolve these issues.

I appreciate the opportunity to voice my thoughts, concerns and suggestions. Please don’t be prejudiced by my Mazama address. I am committed to finding housing solutions in every corner of my home, the Methow Valley ... and I am not ashamed to solicit your help!

Thank you in advance for your open-mindedness to readdress of the terms of the nightly rental moratorium to better support the essential interests of your community.

Most Sincerely,  
Claire Bunney

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Thank you for giving the issue of nightly rentals the attention it warrants.

Clearly there is a lot of concern.

Let's not lose our momentum on this.

The importance of including all areas of town (residentially and commercially zoned) has become clear.

A moratorium is the right first step.

-Phoebe Hershenow

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To Mayor Soo Ing-Moody and the Twisp Town Council...

Thank you for your continuing work on the issue of affordable housing in Twisp, and in particular, on the subject of new nightly rental permits.

I have several points I would like to make this week.

1. I was present at the last meeting when you voted to direct Town staff to draft an ordinance putting a moratorium on new permits. There was no discussion of a schedule. I, and my fellow Twisp residents who are concerned about this issue, would like a timeline for this

effort. When can we expect this to be done?

2. We support expanding the moratorium to include commercial zoning. We want the town to develop a nightly rental policy that covers all current residential areas, some of which are zoned commercial, to preserve current and future housing stock in these areas for our local residents. Rough analysis of the zoning map shows current residential dwellings in commercial zoning totaling somewhere around 35 residences. These are clustered in 4 areas: Along Highway 20 north of the bridge, along the Twisp River Road west of the highway, along the south end of Glover Street and along Lincoln street, and highway frontage south of the Methow River bridge. In addition, there is the potential for much future housing that would be in commercial zoning - the proposed 10-plex by Blackbirds, and the whole Lloyd property along East County Road along the river. We feel it is important to include these areas in the moratorium.

3. We would like contact information for the Planning Commission included on the town's website.

4. We want more transparency on the application process - currently, those wanting a nightly rental permits apply for an "administrative permit". Council members and the public do not see written comments submitted; it is totally done by the (part time) planner. As an aside, the conditions to give a permit require off-street parking, but somehow the permit for the Studen place across from Twisp River Suites got their permit without satisfying that requirement.

Respectfully submitted,

Susan Ernsdorff

427 Twisp Ave

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Hi. I'm a SE Alaskan, but i visit the should-be -autonomous region of Carlton every now and then. As a nomad lately I have noticed all of my communities talking about banning air-bnb's. It is always brought up as a way to protect affordable housing.

If you don't have family in the upper PNW and you want to settle down, air bnb is the only affordable housing. Hotels are way too expensive; and long term studios or 1bdrms etc. are equally bad.

If any community wants to protect affordable housing, the best thing to do is put a moratorium on greed.

Thank you for your time.

-Santiago from SEAk

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Dear Town Council,

I applaud your responsiveness to the town's concerns about nightly rentals. I support the moratorium on nightly rentals and the development of a forward-thinking plan for balancing all perspectives on this complicated topic. I have been watching Chelan County's reactive approach and note that by the time nightly rentals have proliferated, it is very difficult to come up with a plan that fosters good will amongst neighbors.

I am writing today, however, to voice my concern about the exemption of the commercial zone from the moratorium. Looking at the zoning map, I see that this exemption includes a very large portion of the town and I wonder if the exemption might better capture the intent described at the last meeting if it was limited to C1 zoning. That said, I also support a moratorium with no exemptions.

If a primary goal is to protect affordable housing, then it would be a shame for any housing options to be lost to this cause in the period while the final policy is crafted.

Thank you for your time and service to the town,

Erin Jenkins

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Dear Randy, please ensure that the town council members are aware that I am requesting they remove the exemption for residences in commercial zones from the draft ordinance being discussed at the council meeting tonight. We requested a moratorium on **all** nightly rentals until this matter can be discussed in depth and the public has an opportunity to be informed of the discussion which we believe should include all zoning, including commercial areas.

I would also like to see a review of special use permits which currently are used for overnight rentals. Based on my experience with the current application on Twisp Avenue West, the conditions for the permit might be expanded to include a broader scope, including those affecting persons who live more than 300 feet from the applicants' property.

Thanks again for your time and effort to address these complex issues.

Merry Maxwell

The following Public Comments were given verbally at the meeting:

Dwight Filer updated the Council by saying the Tree Board had received two grants recently, one from DNR and the other for Classroom in Bloom. He said he has been working with first graders at Methow Valley Elementary School on planting tree seedlings. He said the Methow Conservancy donated \$700 for the purchase of trees. He also invited everyone to the Commons Park on Saturday April 30<sup>th</sup> for the Arbor Day Celebration. He said they have trees they will be giving out.

Isabell Spohn commented that there is a strong opposition for not placing a moratorium on nightly rentals in the Commercial zone. She feels that it was a misrepresentation at the previous council meeting that it was only desired in a residential zone. She pointed out that the petition that was signed by 70+ residents were in favor of a moratorium in all zones of the code. She is urging council to remove section 3A from the moratorium ordinance that will be voted on during tonight's meeting.

Paula Mackrow wanted to emphasize that just because there are few attendees at tonight's meeting, doesn't mean that the interest is waning. She said the burden is on the businesses that are unable to hire more workers due to the lack of housing in the area. She said that having a commercial exemption on the moratorium does not help as many residences are located within a commercial zone including the new townhomes. She said that the Lincoln Street overlay also has residential on one side and commercial on the other but there are residences among those as well. She would like to see a moratorium place for both residential and commercial zones.

### **Mayor's Report:**

Mayor Pro Tem Smith reported that Mayor Ing-Moody was out of town and unavailable for the meeting so there will be no mayors report. Mayor Pro Tem Smith indicated that due to typical Council Meeting procedures he was planning on abstaining in his role as Mayor Pro Tem on voting during the Agenda Action Items unless there was a critical need for him to vote on a specific item.

### **Staff Reports:**

Director Denham said he did not have a staff report ready but that he can answer any questions. Council Member Easton asked Denham how the Chipping Event went. Denham replied that it was very successful, and he thanked all of the partner agencies that helped make it successful. He said that he is especially grateful to the Department of Ecology for the grant that allowed the town to purchase a chipper. He would like to have another event in the fall, so stay tuned for those details.

Clerk/Treasurer Kilmer gave a financial update on the Civic Building loan and said the town had to decide by May 11 to move forward or not. He said they chose option D and will be continuing on with that.

Chief Budrow stated that now that it's spring, with more people in the valley, there have been a lot of thefts happening. He urged residents to check their storage units as they have seen an uptick in crime specifically at the local storage unit locations. He said Zumiez will be back in town and the Sunflower Race will be bringing many visitors to the area and would like everyone to stay vigilant.

### **Committee/Commission/Board Reports:**

Council Member Caswell attended the Public Works Committee meeting where they discussed the need to replace the basketball backboards at the Twisp Park with ARPA funds as well as potentially repairing or reconstructing the bandshell. He said they discussed the street overlays up on Isabella Ridge and also talked about increasing water/sewer connection fees in the future to keep up with the cost of maintenance. He said they spoke about the Civic Building and the 3<sup>rd</sup> Ave projects in conjunction with the Plaza. He said they are looking at some cost overruns. Council Member Smith clarified that there were many aspects of the Civic Building project that were removed from the final construction contract in 2021 to stay within budget that were going to need to be resolved by the town through separate contracts and potentially with other funding sources, and that the issue is not necessarily about cost. The Plaza and 3<sup>rd</sup> avenue improvements were identified for a Complete Streets grant, but only the 3<sup>rd</sup> Ave project was awarded Complete Streets funding this year. As has been anticipated, at this time decisions about how to fund and finish the Plaza need to be decided so the Civic Building project can be completed.

Council Member Studen said he attended a bike ride on Saturday with members of the Parks and Recreation Commission and community members to ride the trails on the updated plan. He reported that the Parks and Recreation Commission met on Monday to receive public input from the community. He said it was disappointing to see only 2 people had commented and 3 people were in attendance. He said some of the comments that were received were to solicit more feedback, do a walking audit focusing on pedestrian access, check with WSDOT for pedestrian funding, and for someone to attend the State Trails Conference that is held each year.

Council Member Auburn announced that there is a Public Hearing on Thursday April 28<sup>th</sup> at 4pm during the Planning Commission meeting for the Twisp Townhomes. She invites anyone to attend to comment or to hear more about the project.

Council Member Easton attended the Twisp Chamber of Commerce Meeting where he said that TwispWorks received \$9000 in emergency funds and will provide grants to businesses that are going to be doing firewise projects or need it going into fire season. He said the investment network approved one new business and there is an offer to buy another business. He said the Housing Investment network needs funding. There is a Sunflower Relay coming up where 1200 runners have signed up and the Chamber of Commerce will have a booth there for visitor information. The Spring Art Walk is coming up on May 14<sup>th</sup> that will include Glover Street, TwispWorks, and the Community Center. Easton also reported that he met with Mayor Ing-Moody, Planner Danison, Council Member Studen, and Winthrop's Planner Rocklynn Culp to discuss the HAPI grant for \$25,000. He said the application for the grant has been submitted and will know more later.

Mayor Pro Tem Smith reported that he attended the Finance Committee meeting where they discussed the purchase note offer on the bank loan that Clerk Kilmer spoke about in his earlier staff report. He said they also discussed the ARPA funds and the budget amendment that are on the agenda for tonight.

**OLD/NEW BUSINESS:**

**Discussion/Action: Ordinance #785 – Nightly Rental Moratorium:**

Mayor Pro Tem Smith stated that the ordinance that is being discussed tonight is for the Nightly Rental moratorium that was discussed at previous council meetings. He said it was drafted by the Town's attorney with the exceptions that were requested from council. He asked if anyone would like to bring him up to speed since he was not in attendance of the previous meeting where the exceptions were discussed, and he has some procedural questions to ask.

Council Member Easton made a motion to adopt Ordinance #785 with Section 3A pertaining to moratorium exceptions in designated commercial zones removed from the drafted ordinance. Council Member Studen seconded the motion and further discussion ensued.

Council Member Caswell asked Council Member Easton if the amended language will satisfy his desire to have a blanket policy prohibiting nightly rentals. Easton answered that it does satisfy his desire to prohibit nightly rentals in both the commercial and residential zones, although he didn't want any exceptions. He said that since the citizens didn't mention the exception of owner-occupied premises, then he would be ok with allowing that. Caswell responded by saying he is happy to support the motion.

Council Member Auburn stated that she feels this discussion is more about the zoning regulations where the commercial zone overlaps residential zones by allowing residences inside the commercial zone. She said that if it were really a residential area with homes it should not necessarily be zoned commercial. She would like to see more research done on the appropriateness of current zoning with regard to residential areas in commercial zones. She agreed that she would be happy to support the motion due to the current overlapping of zones.

Mayor Pro Tem Smith asked a clarifying question if an investor wanted to come to town and develop a hotel/motel, would they be subject to the moratorium since it would limit them in commercial zones? Council Member Easton said he thinks that "no it would not be the same as the moratorium." Council Member Studen said that it could easily be interpreted that hotel/motel development would be prohibited. He doesn't think it should prohibit investors from building though. Council Member Studen also wanted to explain that his position and main intent on enacting a moratorium was to prevent existing residential homes from converting to nightly rentals and his previous decision at the last council meeting for having commercial as an exception was reconsidered based on the public input received.

Mayor Pro Tem Smith asked Clerk Kilmer if he thought the Ordinance would have to be changed and reviewed by the attorney prior to adoption and Clerk Kilmer thought that it would likely be ok to just strike the section 3A out at this time and he will send the edited version to the attorney to ensure that the edits didn't change his legal approval of the Ordinance. If the attorney said it needs to be re approved then it can happen at a later meeting.

After the discussion the motion to adopt Ordinance #785 as amended was approved by the Council with Mayor Pro Tem Smith abstaining.

**Discussion/Action: Ordinance #786 – Budget Amendment 2022:**

Council Member Easton moved to approve Ordinance #786 as presented. Council Member Auburn seconded the motion and it passed with Mayor Pro Tem Smith abstaining.

**Discussion/Action: TIB Bid Authorization – Cascade Loop Grind & Overlay:**

Director Denham said that the Cascade Loop is in the Industrial area and is in bad need of repair. He said this is the third year in a row that the town has applied for the grant, and he thinks that it's finally been noticed that this is an important project for the town. He is pleased with a 100% grant, awarded for the project.

Council Member Studen moved to approve the TIB Bid Authorization as presented. Council Member Caswell seconded the motion and it passed with Mayor Pro Tem Smith abstaining.

**Discussion/Action: Task Order Authorization – Safe Routes Grant – Pedestrian Improvements:**

Director Denham explained that this grant opportunity is new and would like to be able to have the opportunity to apply. He said that since Blue Star Coffee has moved to a new location, and with the future development of the Twisp Townhomes, there are issues with pedestrians attempting to cross the street to the other side of the road. Currently there is a sidewalk that goes along the south side of the highway but there is a need for one on the north side of the highway for pedestrian access. He said that this project is not currently on the STIP, but that it doesn't have to be until the grant application is submitted. He would like to direct T-O Engineers to start the process, so we are ready for application submittal. After much Council discussion, Director Denham stated that he is going to ask T-O to work on Alternative A and Alternative B and possibly ask about completing the project in two phases so that the town could have the pedestrian crossing and then an option for the pedestrian bridge at a later date.

Council Member Studen moved to approve the Task Order Authorization to T-O Engineers with keeping the options open as much as possible. Council Member Easton seconded the motion and it passed with Mayor Pro Tem Smith abstaining.

**Discussion/Action: ARPA Funds Request:**

Chief Budrow said that due to the recent vandalism on the new Sports Complex, he was tasked with finding surveillance equipment that would sufficiently cover the entire complex. He is asking for approval for \$8,445.96 from ARPA funds to cover the cost of the equipment. Director Denham said that during a school project with a student, it was noticed that the current basketball backboards and hoops were cracked and deemed unsafe to reinstall at the Twisp Park. Denham is asking for approval to use ARPA funds to replace the backboards for \$3,056.89.

Council Member Easton moved to approve the use of ARPA for the two requests as presented. Council Member Caswell seconded the motion and it passed with Mayor Pro Tem Smith abstaining.

**Discussion/Action: Arbor Day Proclamation:**

The Arbor Day Proclamation will be read aloud at the Arbor Day Celebration at the Commons Park on Saturday April 30<sup>th</sup> by Council Member Caswell.

Council Member Caswell moved to approve the Arbor Day Proclamation as presented. Council Member Auburn seconded the motion and it passed with Mayor Pro Tem Smith abstaining.

**Consent Agenda:**

- Accounts Payable/Payroll
- Minutes – 3/22/22, 4/12/22

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the Town Council. The following voucher/checks are approved for payment by a majority vote on this 26<sup>th</sup> day of April 2022.

Payroll	EFT# 934-942, 974, 976	16826.16	4/15/22
Accounts Payable	EFT # 977, 1015	5231.67	4/26/22
Accounts Payable	Warrant# 36449-26468	84188.71	4/26/22

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

**Adjournment:**

There being no further business to come before the Council, Mayor Pro-Tem Smith adjourned the meeting at 7:12pm.

**APPROVED:**



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Mayor Pro Tem Smith

**ATTEST:**



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Clerk/Treasurer Randy Kilmer