

City of East Wenatchee, Washington

Ordinance No. 2024-02

An Ordinance of the City of East Wenatchee amending EWMC Section 17.24.030(F) Pool fencing, 17.72.190 Accessory Dwelling Units, and 19.11 Definitions, containing a severability clause, and establishing an effective date.

Una ordenanza de la ciudad de East Wenatchee que modifica las cercas de la sección 17.24.030(F) de EWMC, las unidades de vivienda accesorias 17.72.190 y las definiciones 19.11, que contiene una cláusula de divisibilidad y establece una fecha de vigencia.

1. **Alternate format.**

1.1. Para leer este documento en otro formato alternativo (español, Braille, leer en voz alta, etc.), comuníquese con la administradora municipal al alternatformat@eastwenatcheewa.gov, al (509) 884-9515 o al 711 (TTY).

1.2. To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternatformat@eastwenatcheewa.gov, at (509) 884-9515, or at 711 (TTY).

2. **Recitals.**

2.1. The City of East Wenatchee (“City”) is a non-charter code city, duly incorporated and operating under the laws of the State of Washington.

2.2. On October 9, 2022, the proposed amendments were transmitted to the Washington State Department of Commerce for 60-day review as required by RCW 36.70A.106. As a minor amendment, expedited review was requested in lieu of the standard 60-day comment period. Expedited review was granted by the WA Department of Commerce in November 8, 2023. No comments from state agencies were received.

2.3. On December 13, 2023, the East Wenatchee Planning Commission held an open-record public hearing and deliberated the merits of the proposal. The planning commission voted unanimously (5-0) to recommend that the City Council adopt the proposed amendments to EWMC 17.24.030 removing the mandatory pool fence requirements. The planning commission voted unanimously (5-0) to table the matter of Accessory Dwelling amendments to the next meeting so that Commissioner Jessup can attend.

2.4. On January 24, 2024, the East Wenatchee Planning Commission took up the discussion regarding proposed amendments for accessory dwellings (EWMC 17.72.190 and EWMC 19.11 Definitions). The planning commission forwarded a recommendation of approval with a vote of 4-2.

3. **Authority.** RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City.
4. **Purpose.** The purpose of this ordinance is to amend EWMC Section 17.24.030(F) Fences, 17.72.190 Accessory Dwelling Units, and 19.11 Definitions.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO ORDAIN AS FOLLOWS:

5. **Amendments.** The City Council amends EWMC Section 17.24.030(F) Fences, 17.72.190 Accessory Dwelling Units, and 19.11 Definitions as set forth in **Exhibit A.**
6. **Findings of Fact and Conclusions of Law.** The City Council adopts the Recitals stated above as well as the findings of fact and conclusion of law as set forth below.

6.1. FINDINGS OF FACT

- 6.1.1. Amendments are proposed to three sections of the East Wenatchee Municipal Code; 17.24.030(F) Fences, 17.72.190 Accessory Dwelling Units (ADU), and 19.11 Definitions. The proposed fencing amendment would remove the mandatory zoning requirement for fences around a swimming pool. The proposed amendments to the ADU and Definitions section of the code revise how ADU's are regulated in order to be consistent with new state legislation (Engrossed House Bill 1337).
- 6.1.2. The proposal will be applicable to properties within the city of East Wenatchee.
- 6.1.3. The City of East Wenatchee and Douglas County have adopted the Greater East Wenatchee Area Comprehensive Plan pursuant to the Growth Management Act (GMA) and RCW 36.70A which covers the City and Douglas County unincorporated areas within the East Wenatchee Urban Growth Area.
- 6.1.4. RCW Chapters 36.70 and 36.70A authorize the adoption of amendments to city's development regulations.
- 6.1.5. The proposed amendments were reviewed by the city council at a public workshop on August 10, 2023, and by the planning commission at a public workshop on October 25, 2023.
- 6.1.6. Public comment was received from the following individuals:

- 6.1.6.1.Shane Sanders: Mr. Sanders provided comment that he would like the ADU regulations to not require an off-street parking space.
- 6.1.6.2.Chris and Ashlee Davis: Mr. and Mrs. Davis have provided comment in support of removing the mandatory pool fencing requirement in the zoning code.
- 6.1.7. A threshold determination and environmental review pursuant to RCW 43.21C the State Environmental Policy Act was completed, and a Determination of Non-significance (DNS) was issued on October 6, 2023. The comment period ended on October 20, 2023.
- 6.1.8. The City of East Wenatchee initiated a 60-day comment period as required by RCW 36.70A.106 and requested expedited review on October 9, 2022. The WA Department of Commerce granted expedited review on November 8, 2023.
- 6.1.9. The planning commission is responsible for long-range planning matters and providing implementation recommendations to assure compliance with the GMA
- 6.1.10. Notice of the planning commission's public hearing was posted on the City's website and distributed through the City's social media.
- 6.1.11. Advertisement of the planning commission's public hearing was published in the Wenatchee World on December 2, 2023.
- 6.1.12. The East Wenatchee Planning Commission held a duly advertised open-record public hearing on December 13, 2023.
- 6.1.13. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated by this reference.

6.2. CONCLUSIONS

- 6.2.1. The proposal is consistent with and implements the goals and policies in the Greater East Wenatchee Area Comprehensive Plan.
- 6.2.2. Approval of the proposal will not be detrimental to the public health, safety, and general welfare.
- 6.2.3. Proper legal requirements of RCW 36.70A.106 and Title 19 EWMC were met and the community and state agencies were given the opportunity to comment on the proposal during the public comment period and at a public hearing.
- 6.2.4. It is the determination of the lead agency that no more than a moderate effect on the environment is a reasonable probability as a result of the proposed action. The proper exercise of the threshold determination process as required by WAC 197-11 is that an

environmental impact statement is not required to be prepared for this project.

- 6.2.5. The proposed amendments have been processed in a manner consistent with the requirements of the Revised Code of Washington and the Washington Administrative Code.
 - 6.2.6. The planning commission has reviewed the entire record including the requirements of the Growth Management Act, the goals and policies of the comprehensive plan and public testimony as it relates to the proposed amendments to the city's development regulations.
 - 6.2.7. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated by this reference.
7. **Severability.** If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.
 8. **Publication.** The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance. The City Council directs the City Clerk to publish a copy of this Ordinance on the City's website.
 9. **Submittal of Notice of Adoption.** In accordance with RCW 36.70A.106, this Ordinance shall be transmitted by the Community Development Director to the Washington State Department of Commerce within 10 days of adoption.
 10. **Effective Date.** This Ordinance becomes effective immediately.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 6th day of February, 2024

The City of East Wenatchee,
Washington

By Jerrilea Crawford
Jerrilea Crawford, Mayor

Authenticated:

Anna Laura Leon
Anna Laura Leon, City Clerk

Approved as to form only:

Sean Lewis

~~Sean Lewis, Asst. City Attorney~~
Bob Siderius

Filed with the City Clerk: 01-31-2024
Passed by the City Council: 02-06-2024
Published: 02-10-2024
Effective Date: 02-15-2024

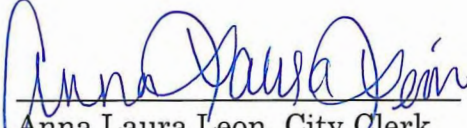
**Summary of
City of East Wenatchee, Washington
Ordinance No. 2024-02**

On the 6th day of February, 2024, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2024-02, the main point of which may be summarized by its title as follows:

An Ordinance of the City of East Wenatchee amending EWMC Section 17.24.030(F) Fences, 17.72.190 Accessory Dwelling Units, and 19.11 Definitions, containing a severability clause, and establishing an effective date.

The full text of this Ordinance will be mailed upon request.

Dated this 6th day of February, 2024.



Anna Laura Leon, City Clerk

17.24.030 Accessory uses.

Subject to the dimensional standards set forth in EWMC 17.24.050, the following uses shall be accessory uses in the R-L district:

A. Attached or detached accessory buildings and structures clearly incidental to the residential use of the lot, such as the storage of personal property, including private garages;

B. Family day care home as defined in EWMC 19.11.040(B);

C. Not more than a total of eight cars, trucks, or recreational vehicles per dwelling unit may be parked outside of a building on any lot. Said vehicles shall be parked to the rear of the front yard setback line, except when parked in the driveway. For purposes of this section, "recreational vehicles" shall mean any travel trailers, truck campers, tent trailers, motor homes, snowmobiles, boats or jet skis, utility trailers for hauling materials or recreational vehicles, and similar equipment;

D. Fences as provided for in EWMC 17.72.160;

E. Covered Patios.

1. A freestanding covered patio must meet the standards of this title. If the cover over the patio is attached to a dwelling or within six feet of the dwelling it is to be considered as part of that dwelling for the purposes of determining the setback for the dwelling;

2. Height limit: 10 feet for a detached structure with a flat roof; provided, however, that a fireplace flue may extend beyond the maximum height limit to a height of not over 13 feet; in all other cases the roof height shall not exceed the provisions of EWMC 17.24.050(D);

3. Area limit: Must not exceed the provisions of EWMC 17.24.050(E);

F. Swimming Pools: ~~_____~~

~~1. All pools must be located behind the front yard setback line and maintain at least a five-foot setback from all side and rear property lines;~~

~~2. All pools and the yard or area around them must be enclosed by a fence/barrier of not less than 48 inches in height meeting the requirements established in the Uniform Building Code for Barriers for Swimming Pools, Spas and Hot Tubs, as the same now exists or may be amended as adopted in Chapter 15.04 EWMC and the following general provisions:~~

~~a. Such fence/barrier shall be constructed and maintained as to prevent, within reason, any person from gaining access beneath, over, or through said fence/barrier;~~

~~b. Gates or doors to the pool area shall be of the same height as the fence/barrier and substantial in construction;~~

~~c. All gates or doors shall be equipped with self-closing mechanisms and devices for locking, and shall be kept locked at all times the pool is unguarded, unattended or not in use;~~

G. Large satellite dish, amateur radio tower, or attached wireless communication facility subject to the provisions of Chapter 17.70 EWMC, as the same now exists or may hereafter be amended;

H. Accessory dwelling units pursuant to the provisions of EWMC 17.72.190, as the same exists now or may hereafter be amended;

I. The keeping and raising of farm animals, livestock and poultry, as specified in EWMC 17.72.200; provided, that no commercial structure shall be constructed or maintained on the premises;

J. Home occupations as specified in Chapter 17.66 EWMC.

17.72.190 Accessory Dwelling Units

~~Accessory dwelling units are permitted within residential zoning districts. Accessory dwelling units shall be on the same lot as the primary residence and shall meet the following provisions:~~

- ~~A. Only one accessory dwelling unit shall be permitted per lot;~~
- ~~B. The owner of the property on which the accessory dwelling unit is located shall reside in either the primary unit or the accessory unit. "Owner" shall include title holders and contract purchasers;~~
- ~~C. One off-street parking space in addition to off-street parking spaces required for the primary dwelling shall be provided for use by the accessory dwelling;~~
- ~~D. The accessory dwelling unit shall comply with the minimum requirements of applicable city zoning and construction codes, health district, and all other local, state and federal agencies;~~
- ~~E. The city may require the recording of title notices as appropriate to disclose the circumstances and conditions of an authorized accessory dwelling use;~~
- ~~F. An accessory dwelling may be established in either an existing or a new residence;~~
- ~~G. Only one home occupation permit shall be permitted on any lot containing an accessory dwelling;~~
- ~~H. Attached accessory dwelling units shall meet the following provisions:
 - ~~1. The accessory dwelling unit size shall not exceed the gross floor area of the primary dwelling unit and shall not exceed 1,200 square feet in area;~~
 - ~~2. The minimum lot area shall be 8,000 square feet;~~
 - ~~3. An outside exit for the accessory dwelling must be provided; and~~
 - ~~4. Exterior alterations or additions for the accessory dwelling shall be consistent with the design of the primary residence including matching materials, colors, window style, and existing facade.~~~~
- ~~I. Detached accessory dwelling units shall meet the following provisions:
 - ~~1. The minimum lot area shall be equal to or greater than 10,000 square feet;~~
 - ~~2. The accessory dwelling unit shall not exceed 1,200 square feet in area excluding any related garage or carport area;~~
 - ~~3. The accessory dwelling shall meet the minimum provisions set forth in EWMG 15.38.030, except EWMG 15.38.030(F), unless the property is divided in accordance with EWMG Title 16; and~~
 - ~~4. The location, design and construction of the accessory dwelling shall be completed in a manner that will facilitate the eventual division of the property into two or more lots. General provisions that apply include access, building setbacks, lot coverage, and road improvements. Separate title to the accessory dwelling site shall be transferred only after the lot is divided in conformance with the provisions of EWMG Title 16 for land divisions. (Ord. 16-12 § 9, 2017; Ord. 07-05 § 7, 2007; Ord. 05-07 § 4, 2005)~~~~
- A. The purposes of this section are to: (1) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for caring for seniors, providing housing for their children or obtaining rental income; (2) increase the range of housing choices and the supply of accessible and affordable housing.

B. Applicability: Detached, attached, and interior accessory dwelling units (ADUs) shall be permitted within all residential and mixed-use zoning districts.

C. Development Standards: ADUs shall comply with the following standards:

1. Two ADU's are permitted on a lot in addition to the primary dwelling unit. ADUs are exempt from the density requirements of the underlying zone.
2. Minimum lot size: ADUs may be established on any legally established lot or parcel provided the standards of this section are met.
3. Maximum unit size: 1,200 square feet.
4. Minimum unit size: The gross floor area of an ADU shall not be less than the requirements of the Washington State Building Code.
5. One off-street parking space per accessory dwelling shall be provided in addition to the off-street parking spaces for the primary dwelling shall be provided.
6. ADU's shall meet the maximum building height, maximum land coverage and minimum setback standards of the zoning district for the property with the following exception:
 - a) Detached ADU's may be built on a property line if that property line abuts a public alley unless the city routinely plows snow in that alley.

D. Only one home occupation permit shall be permitted on any lot containing an accessory dwelling.

E. ADUs used as short-term rentals.

1. A short-term rental shall not be operated on any property where an ADU has been constructed using the City's pre-approved ADU plans program.

19.11.020 A definitions.

“Accessory dwelling” means a ~~second~~ dwelling unit that is subordinate to and located on the same lot as a primary ~~dwelling unit~~~~residence~~ and with provisions for independent cooking, living, sanitation, and sleeping. ~~Accessory dwellings may be incorporated within or detached from a primary single-family residence.~~

“Accessory dwelling – attached” means an accessory dwelling that is physically attached to the primary dwelling.

“Accessory dwelling – detached” means an accessory dwelling that is not physically attached to the primary dwelling. A detached accessory dwelling may be attached to a accessory building such as a garage.

Accessory dwelling – interior” means an accessory dwelling that is constructed within the existing building envelope of the primary dwelling. An interior accessory dwelling may or may not have a separate exterior entrance. If a separate exterior entrance is not provided then the accessory dwelling must have a interior entrance capable of being secured.

19.11.200 S definitions

“Short Term Rental” means temporary lodging for charge or a fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.