

City of East Wenatchee, Washington

Ordinance No. 2016-21

An Ordinance of the City of East Wenatchee amending the East Wenatchee Municipal Code Section 12.53.030 and adding a new Chapter 17.50 to establish a Loop Trail Overlay District.

Una Ordenanza de la Ciudad de East Wenatchee modifica el Código Municipal East Wenatchee Sección 12.53.030 y la adición de un nuevo capítulo 17.50 para establecer un rastro de superposición Loop Distrito.

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**1. Alternate format.**

1.1. Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al [alternatformat@east-wenatchee.com](mailto:alternatformat@east-wenatchee.com), 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 [alternateformat@east-wenatchee.com](mailto:alternateformat@east-wenatchee.com), 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; and

2.2. The City has adopted the Greater East Wenatchee Area Comprehensive Plan (GEWA) pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which covers all properties within the City Limits and the unincorporated areas of Douglas County located within the East Wenatchee Urban Growth Area, which was found to be consistent with the adopted GMA plans of adjoining jurisdictions.

2.3. The East Wenatchee and Douglas County Planning Commissions conducted a duly advertised public hearing on September 6, 2016. The Planning Commissions entered into the record the files on the proposed amendment, accepted public testimony, and deliberated the merits of the proposal to establish a Loop Trail Overlay District. As a result of the deliberations, the proposal was amended. The vote of the Douglas County Planning Commission was in favor (5 to 1-Knowles). The vote of the City Planning Commission was unanimously in favor (5-0).

2.4. On October 10, 2016, the City Council of East Wenatchee (“City Council”) and the Douglas County Board of County Commissioners (County

Commissioners) held a public workshop to review the record of the planning commissions' public hearing.

- 2.5. On October 10, 2016, the City Council and the County Commissioners held a public hearing to consider the planning commissions' recommendation and accept public testimony regarding the proposed amendments. The County Commissioners with adoption of Ordinance TLS 16-07-36B and City Council with adoption of Ordinance 2016-17, took action to adopt the Loop Trail Overlay District. The ordinances were not consistent regarding the treatment of fences.
- 2.6. Following additional review of the Loop Trail Overlay proposal, the City Council took action to repeal Ordinance 2017-17 on November 8, 2016.
- 2.7. Notice of all public hearings and public meetings on this matter have been published in accordance with state and to local laws and regulations.
- 2.8. The City Council finds that it is in the best interests of the City and its citizens to adopt a Loop Trail Overlay District.
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.

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

4. **Purpose.** The purpose of the Loop Trail Overlay (LT-O) District is to protect and preserve the character of the Apple Capital Loop Trail, parkland, and trail extensions, by ensuring that development within the LT-O district is accomplished in a manner that is compatible with the public's use and enjoyment of the Trail and parkland. It is the intent to permit those uses and structures that would otherwise be permitted, provided that reasonable and necessary conditions are met to ensure the protection of the Loop Trail and parkland.
5. **Amendment 1.** The City Council adds a new Section 17.50 Loop Trail Overlay (LT-O) District to the East Wenatchee Municipal Code as set forth in Exhibit A to this Ordinance.
6. **Amendment 2.** The City Council amends EWMC 12.53.030 to read:  
**12.53.030 Walkways, bikeways and trails.**  
**A.** Walkways, bikeways and trails shall be required as identified in the applicable comprehensive plan or separate nonmotorized transportation plan.  
**B.** Nonmotorized transportation includes travel by bicyclists, pedestrians, and equestrians. ~~Sections 1020 and 1025 of the~~ The most current edition of

the WSDOT Design Manual ~~will~~ must be followed for design of bicycle paths, trails and other nonmotorized transportation.

C. All new access pathways to the Apple Capital Loop Trail associated with commercial, multifamily residential, and mixed use development and new land divisions must be designed and built in accordance with plans prepared by the engineer of record for the project proponent. The plans must be prepared to the standards of the most current edition of the WSDOT Design Manual with a minimum paved pathway width of eight (8) feet, showing the connection location of the new pathway to the Apple Capital Loop Trail, location of existing pathways and addressing stopping sight distance. The plans must be approved by the county engineer prior to construction. As-built construction documents must be submitted by the engineer of record upon completion and prior to public use. A non-access agreement for frontages not approved for trail connection may be required to be recorded.

7. **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.

7.1. Findings of Fact:

7.1.1. RCW 36.70A.070(3) Comprehensive Plans Mandatory Elements authorize the development of Land Use and Capital Facilities elements for the planning of Parks and Recreation Facilities.

7.1.2. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.

7.1.3. Policy C-6 of the Countywide Regional Policy Plan prescribes a process for joint amendments to implementing development regulations.

7.1.4. Amendments to the development regulations, SEPA threshold determination and supporting documentation were sent to the Washington State Department of Commerce on May 19, 2016.

7.1.5. On May 19, 2016 Douglas County issued a Determination of Non-significance pursuant to WAC 197-11 for amendments to the Douglas County Code.

7.1.6. Written comments were submitted during the review period and were made a part of the official record.

7.1.7. The "More Than a Trail" citizen engagement process in 2009 documented the public support for retaining the natural appearance of

the trail and protecting the open and natural ambience of the trail and parkland.

7.1.8. The Greater East Wenatchee Area Comprehensive Plan includes policies that encourage public access to water bodies, park areas and open space through coordinated, safe, and effective pedestrian, bicycle, and equestrian linkages.

7.1.9. The Notice of Public Hearing before the Planning Commission was published on August 25, 2016 in the Wenatchee World and Empire Press.

7.2. Conclusions of Law:

7.2.1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

7.2.2. The procedural requirements of RCW 36.70A have been complied with.

7.2.3. The proposed amendments are consistent with the Douglas County Regional Policy Plan, Douglas County Countywide Comprehensive Plan and the Greater East Wenatchee Comprehensive Plan.

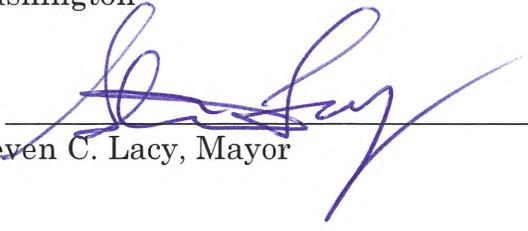
7.2.4. The proposed amendments are consistent with the requirements of Revised Code of Washington and the Washington Administrative Code.

7.2.5. The Apple Capital Loop Trail is a significant community asset for enjoying the natural environment and for recreation. The Board of County Commissioners and the City of East Wenatchee City Council recognize the need to protect these natural amenities and recreational opportunities provided by the Loop Trail.

8. **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.
9. **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.
10. **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.
11. **Effective Date.** This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this 8th day of November, 2016.

The City of East Wenatchee,  
Washington

By   
Steven C. Lacy, Mayor

Authenticated:

  
Dana Barnard, City Clerk

Approved as to form only:

  
Devin Poulson, City Attorney

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|-----------------------------|-----------------|
| Filed with the City Clerk:  | <u>11/2/16</u>  |
| Passed by the City Council: | <u>11/8/16</u>  |
| Published:                  | <u>11/11/16</u> |
| Effective Date:             | <u>11/17/16</u> |

**Summary of  
City of East Wenatchee, Washington  
Ordinance No. 2016-21**

On the 8th day of November, 2016, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2016-21, the main point of which may be summarized by its title as follows:

An Ordinance of the City of East Wenatchee amending the East Wenatchee Municipal Code Section 12.53.030 and adding a new Chapter 17.50 to establish a Loop Trail Overlay District.

Una Ordenanza de la Ciudad de East Wenatchee modifica el Código Municipal East Wenatchee Sección 12.53.030 y la adición de un nuevo capítulo 17.50 para establecer un rastro de superposición Loop Distrito.

The full text of this Ordinance is available at [www.east-wenatchee.com](http://www.east-wenatchee.com).

Dated this 8th day of November, 2016.

Dana Barnard  
Dana Barnard, City Clerk

## Exhibit A

### Chapter 17.50 LT-O Loop Trail Overlay District

#### Sections:

- 17.50.010 Purpose & Intent
- 17.50.020 Applicability
- 17.50.030 Where Designated – Area Defined
- 17.50.040 Setbacks
- 17.50.050 Fencing
- 17.50.060 Trail Crossings
- 17.50.070 Non-motorized Access
- 17.50.080 Vehicular Access Ways and Streets
- 17.50.090 Landscaping

#### **17.50.010 Purpose & Intent**

The purpose of the LT-O district is to protect and preserve the character of the Apple Capital Loop Trail, parkland, and trail extensions, by ensuring that development within the LT-O district is accomplished in a manner that is compatible with the public's use and enjoyment of the Trail and parkland. It is the intent to permit those uses and structures that would otherwise be permitted, provided that reasonable and necessary conditions are met to ensure the protection of the Loop Trail and parkland.

#### **17.50.020 Applicability**

- A. The LT-O district standards supplement, and in some cases replace, the standards of the underlying zoning district.
- B. All regulations of the underlying zoning district or any other applicable overlay district not specifically addressed in this chapter apply to lands in the LT-O district; provided, however, that in the case of conflict between the provisions of the underlying zoning district, or any other applicable overlay districts, the most stringent regulations shall govern.

#### **17.50.030 Where Designated – Area Defined**

- A. The LT-O district extends between the ordinary high water mark of the Columbia River and 75 feet easterly of the centerline of the trail. See Figure 1. Trail access connections located at 19<sup>th</sup>, 22<sup>nd</sup>, 27<sup>th</sup>, 32<sup>nd</sup>, and 37<sup>th</sup> street shall have a LT-O which extends 37 ½ feet north and south of the trail centerline.
- B. The geographic boundary of the LT-O district begins at the northerly boundary of the City of East Wenatchee Urban Growth Area (UGA) and extends southward to its limit at 13<sup>th</sup> Street NE in the City of East Wenatchee.

### 17.50.040 Setbacks

- A. All above ground structures including accessory buildings, vehicle parking areas, access ways, driveways, streets or roads, or equipment storage is prohibited within the LT-O. Exceptions:
1. Buildings owned and maintained by a governmental agency that are accessory to and support the uses of the parkland and trail, such as restrooms, storage buildings, and picnic shelters.
  2. Buildings necessary for the enclosure of irrigation pumping facilities, provided the facilities are the minimum size necessary to accomplish facility protection.
  3. Fences constructed in compliance with Section 5.
- B. All other yard requirements shall be determined in accordance with the underlying zoning and other applicable codes.

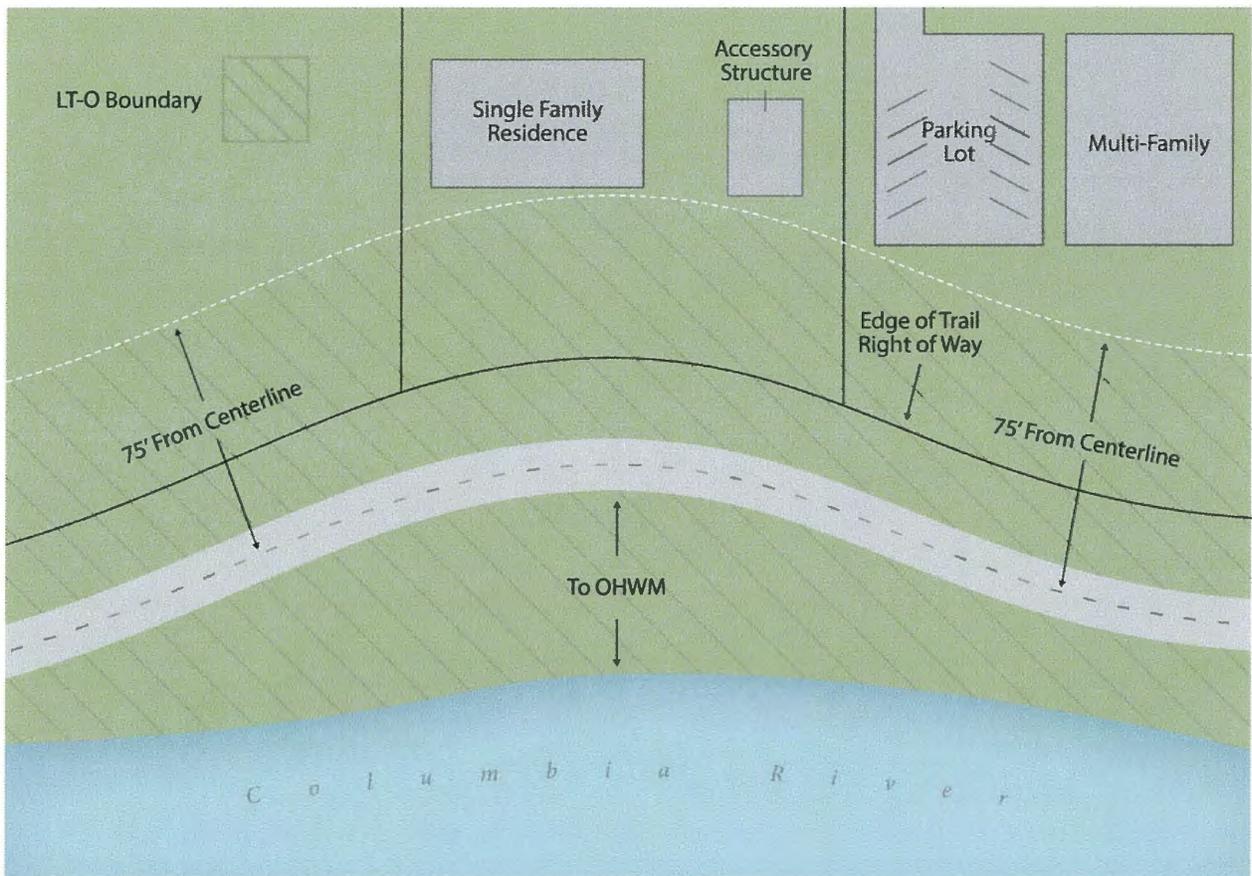


Figure 1: Setbacks

### 17.50.050 Fencing

- A. Fencing in the LT-O shall be open chain link or open wire fencing not to exceed a maximum height of 48 inches within 10 feet of the lot line that abuts the Apple Capital Loop Trail, at which point fences may be a maximum of 6 feet in height.
- B. Fences installed to secure facilities owned and maintained by a public agency within the Loop Trail Overlay shall be open chain link or open wiring not to exceed 48 inches in height.



Figure 2: Examples of Permitted Fence Types

### 17.50.060 Trail Crossings

At-grade trail crossings for motorized vehicles are prohibited.

### 17.50.070 Non-motorized Access

- A. Paths from private properties to the trail must be maintained to control weeds remove noxious weeds, prevent erosion by wind and water, and not pose a hazard to trail users.
- B. Commercial, multifamily residential, and mixed use development and new land divisions must be designed to provide joint use access points to minimize ground disturbance between the development and the trail. Trail access paths for joint use access must meet the standards of EWMC 12.53.030(C).

### **17.50.080 Vehicular Access Ways and Streets**

Vehicular access ways, driveways, streets and roads are prohibited within the LT-O district except where accessing public amenities and facilities associated with the trail and/or parkland.

### **17.50.090 Landscaping**

The intent of this section is to provide adequate landscaping to preserve the character of the Apple Capital Loop Trail. Developments located along the Trail are generally oriented to have views of the Columbia River. The requirements of this section are intended to balance the goal of establishing a vegetative buffer between the Trail and adjacent uses while allowing for scenic views of the Columbia River.

- | A. These standards apply only to property that abuts the Trail property, within the LT-O district, and are supplemental to the landscaping requirements of the underlying zoning district, as specified in chapter 17.72 EWMC.
- | B. New multi-family residential development, commercial development and mixed-use development shall provide landscaping meeting the following standards:
  1. Plantings are required within a 15 foot wide landscape area adjacent to the property line abutting the Apple Capital Loop Trail.
  2. Plantings shall be a minimum spacing of 6 feet on center for shrubs and 30 feet on center for trees.
- | C. Private landscaping areas and plantings shall not extend onto public Apple Capital Loop Trail property.