

BEFORE THE CHELAN COUNTY HEARINGS EXAMINER

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|------------------|---|----------------------------------|
| IN THE MATTER OF |) | FINDINGS OF FACT, CONCLUSIONS OF |
| |) | LAW, CONDITIONS OF APPROVAL |
| CUP 2021-443 |) | AND DECISION |
| Dundas |) | |
| |) | |

THIS MATTER, having come on for hearing in front of the Chelan County Hearing Examiner on January 5, 2022, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This is an application for a Conditional Use Permit for the construction of a new, detached garage with an accessory dwelling unit (ADU). The proposed garage would be approximately 480 sq. ft. in size and the detached accessory dwelling unit would be approximately 900 sq. ft. in size. The proposed ADU would include one bedroom, two bathrooms, and a kitchen. The subject property is zoned Suburban Residential (SR) in the City of Cashmere's Urban Growth Area. Accessory Dwelling Units require a Conditional Use Permit in the Suburban Residential (SR) zoning district, pursuant to City of Cashmere Municipal Code (CMC) Section 17.18.020 District use chart, as adopted by Chelan County.
2. The Applicants/Owners are Casey and Natalie Dundas, 51 Viola Lane, Cashmere, WA 98815.
3. The subject property is located at 51 Viola Lane, Cashmere, WA 98815.
4. The abbreviated legal description and parcel number of the subject property is 23-19-06-130-052; T 23N R 19EWM S 06 LB BLA 2021-441; 0.80 acres.
5. The subject property is located within the City of Cashmere's Urban Growth Area.
6. The property is located within the Suburban Residential (SR) comprehensive plan designation and zoning district.
7. The property is currently in residential use. Building permits for this property have been issued per the County Assessor's records: BP 200292 – New 3 Bedroom 4 Bath SFR to include 2,322 sq. ft. main floor, 331 sq. ft. covered porches/decks, 1,008 sq. ft. garage, and 250 gal. propane tank.
8. The subject property is flat and vegetated with lawngrass and other landscaping.
9. The property to the north is zoned Suburban Residential (SR); single-family residence.
10. The property to the south is zoned Suburban Residential (SR); single-family residence.
11. The property to the east is zoned Suburban Residential (SR); single-family residence.
12. The property to the west is zoned Suburban Residential (SR); Dawn Lee Court.

13. An Aquifer Recharge Disclosure Form is not required for single-family residences and their associated developments, per CCC 11.82.060. The property is not located within a wellhead protection area.
14. Pursuant to the Washington State Department of Fish and Wildlife Priority Habitat Species Maps, the subject property does contain priority habitat for Golden Eagle and Northern Spotted Owl. Therefore, the provisions of Chelan County Code Chapter 11.78 Fish and Wildlife Overlay District, do apply.
15. The subject property is not located within Shoreline Jurisdiction. Therefore, the regulations of the Shoreline Master Program do not apply.
16. Pursuant to Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map panel no. 5300150800A, there is known floodplain on the subject property. Therefore, the provisions of CCC, Chapter 11.84, Frequently Flooded Areas Overlay District, do not apply.
17. According to the Chelan County GIS mapping, the property does not contain geological hazards for erosive soils. Therefore, the provisions of Chelan County Code Chapter 11.86 Geologically Hazardous Areas Overlay District, do not apply to this development.
18. No comments were received indicating that the proposed development would be located within an area of high probability for containing cultural resources.
19. The applicant plans to begin construction of the proposed development upon receipt of all applicable permits.
20. According to the site plan of record, dated October 12, 2021, the property is accessed by a 30 ft. wide access and utility easement detailed under AFN 2492047.
21. Domestic water to the subject property is supplied by an existing private well detailed under a 15 ft. well easement, AFN 249047.
22. Irrigation water to the subject property is supplied by the Icicle and Peshastin Irrigation District detailed under a 10 ft. irrigation easement, AFN 246047.
23. Chelan County PUD provides electrical services to the subject property.
24. Sanitation is supplied by an off-site septic system, CDHD permit number 20-097.
25. Noise is similar to other residential uses in the vicinity. The development must comply with CCC, Chapter 7.35 Noise and RCW 70.107.
26. According to the updated site plan of record, date stamped October 12, 2021, the proposed garage and accessory dwelling unit would not visually impact neighboring properties. The proposed development would be visually compatible with surrounding land uses.
27. The Notice of Application was referred to surrounding property owners within 300' (excluding 60' of right-of-way), jurisdictional agencies and departments of the County. These agencies and surrounding property owners were notified on October 27, 2021 with comments due November 10, 2021. Agency comments are considered in the decision and when appropriate, associated Conditions of Approval are included.
28. The following is a list of Agencies who received notice and the date comments were received:

| Agencies Notified | Response Date |
|----------------------------|------------------|
| Chelan County Public Works | None |
| Chelan County Building | October 29, 2021 |

| Agencies Notified | Response Date |
|---|-------------------|
| Chelan County Fire Marshal | November 12, 2021 |
| Chelan County PUD | None |
| Dept of Archaeology & Historic Preservation | None |
| Confederated Tribes of Colville | November 10, 2021 |
| Yakama Nation Cultural Resources Program | None |
| Department of Ecology | November 8, 2021 |
| City of Cashmere | November 5, 2021 |

29. No public comments were received.
30. The application was submitted on September 27, 2021.
31. The Determination of Completeness was issued on October 12, 2021.
32. The Notice of Application was provided on October 27, 2021.
33. The Notice of Public Hearing was provided on December 23, 2021.
34. The proposed structure is categorically exempt from SEPA review per Washington Administrative Code (WAC) 197-11-800(1)(b)(3).
35. CITY OF CASHMERE COMPREHENSIVE LAND USE PLAN. General Goals for Urban Growth Area (UGA).
 - 35.1 The urban growth goal is to create an orderly and efficient transition from rural to urban land in areas where adequate public utilities and services existing or can be provided in an efficient manner.
 - 35.1.1 Urban Growth Policy 1 – Ensure that development of lands within UGA of Cashmere is consistent with the intent of this plan.
 - 35.1.2 Urban Growth Policy 2 – Coordinate planning and permitting process with Chelan County.
 - 35.1.3 Urban Growth Policy 3 – Request that the County send all development proposals within Urban Growth Area to the City of Cashmere for review and comment regarding consistency with the City’s Comprehensive Plan.
 - 35.1.4 Urban Growth Policy 4 – The City Planning Commission shall review annexation proposals along with City staff findings. The Commission recommendation shall be forwarded to the City Council for a decision.
 - 35.1.4 Unique Characteristics of the Suburban Residential (SR) Zoning Designation – Maintain rural character; Livestock allowed; Manufactured homes on individual lots with performance criteria (pit set, permanent foundation, etc.); Generally located outside City limits, inside UGA 2-story height limit.
 - 35.2 The proposed development would meet the goals and policies on the City of Cashmere Comprehensive Land Use Plan and the unique characteristics of the Suburban Residential (SR) zoning designation.

36. Suburban Residential (SR). Purpose: To maintain low density residential uses within the urban growth area, consistent with the goals and policies of the Cashmere Urban Area Comprehensive Plan.
- 36.1 The applicant is proposing to construct a detached garage with an accessory dwelling unit within the SR zoning district in the City of Cashmere's Urban Growth Area.
 - 36.2 The proposed development meets the intent of the goals and policies of the City of Cashmere Comprehensive Plan for residential uses.
 - 36.3 The applicant is requesting a detached garage for an existing single-family residence within the RR20 zoning designation.
 - 36.4 The proposed development meets the intent of the goals and policies of the Comprehensive Plan for residential uses.
37. CITY OF CASHMERE MUNICIPAL CODE. Cashmere Municipal Code Section 17.24.030 Development Standards.
- 37.1 Minimum Lot Area.
 - 37.1.1 Single-family dwelling: 10,000 square feet where city wastewater service is available, or the minimum required according to Chapter 246-272 WAC and health district standards based on the soil's ability to treat effluent and type of water supply, but in no case less than the minimum required above.
 - 37.2 The maximum building height: two stories, or in any event not greater than 30 feet.
 - 37.3 The maximum lot coverage including all accessory buildings: 35 percent of the total lot area.
 - 37.4 Minimum yard areas are as follows:
 - 37.4.1 Projection from Buildings. Cornices, eaves, gutters, sunshades and other similar architectural features may not project more than two feet into a required yard setback.
 - 37.4.2 Front yard: 25 feet from the front property line or 50 feet from the centerline of the street right-of-way, whichever is greater.
 - 37.4.2.1 On corner lots there shall be two front yards and at least one rear yard.
 - 37.4.2.2 On through lots there shall be two front yards.
 - 37.4.2.3 In areas where existing residential dwellings(s) located on an immediately abutting or adjoining lot(s) has a front yard of less than the required depth for the district, the front yard area may have a depth equal to one-third of the total lot width.
 - 37.4.3 Rear yard: 10 feet from the rear property line. Accessory buildings, other than accessory dwellings, may be built within a rear yard, provided the required maximum lot coverage is not exceeded and the building is not closer than five feet to the rear lot line nor closer than five feet to the side lot line; and provided, that accessory buildings or structures located within a rear yard area adjacent to a platted alley right-of-way shall not be closer than eight feet from the rear lot line.
 - 37.5 The subject property is approximately 34,850 sq. ft. in size and existing and proposed development is connected to an existing on-site septic system. No comments were received from the Chelan-Douglas Health District regarding minimum lot size.

- 37.6 The proposed garage and accessory dwelling unit would not exceed the maximum building height and lot coverage as allowed by the zoning district.
- 37.7 Based on the site plan of record, the proposed development would meet all applicable front, side and rear yard setbacks.
- 37.8 The subject property and proposed development would meet all applicable zoning requirements.
- 38. CITY OF CASHMERE MUNICIPAL CODE. Cashmere Municipal Code Section 17.72.050 Evaluation criteria and general standards. Conditional uses shall comply with the following evaluation criteria and general standards:
 - 38.1 The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
 - 38.1.1 The proposed garage and accessory dwelling unit would be harmonious and in accordance with the general and specific objectives of the comprehensive plan, including the Urban Growth Area General Goals and Policies. The garage and accessory dwelling unit would maintain the rural character of the zoning district while transitioning to urban land, as allowed by the City of Cashmere Comprehensive Land Use Plan.
 - 38.1.2 The proposed use would be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans. Therefore, this standard would be met.
 - 38.2 The proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 - 38.2.1 The properties in the general vicinity are developed with single-family residential structures, accessory structures, and manufactured homes that are similar in design, construction, operation and maintenance as the proposed garage and accessory dwelling unit. The proposed development would also be compatible and comparable to the design, construction, operation and maintenance as the existing single-family dwelling unit on the subject property.
 - 38.2.2 The proposed use would be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity. Therefore, this standard would be met
 - 38.3 The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
 - 38.3.1 No public comments were received from the Chelan County Public Works Department indicating any traffic concerns about the proposed development. Additionally, the proposed residential use requires only one additional parking space, and would be used by the residents of the primary dwelling unit.
 - 38.3.2 No additional traffic is anticipated to be generated by the proposed use and would not burden the traffic circulation system in the vicinity. Therefore, this standard would be met.

- 38.4 The proposed use will be adequately served by facilities and services such as highways, streets, law enforcement, fire protection, storm water drainage, refuse disposal, domestic water and sanitary sewers and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.
- 38.4.1 The proposed garage and accessory dwelling unit would be accessed by a private easement off of Kimber Road, domestic water would be provided by a private well, irrigation water would be provided by the Icicle-Peshastin Irrigation District, and sanitation would be provided by an existing on-site septic system. The Chelan County Fire Marshal submitted comments for fire protection requirements. No comments were received from any agency regarding streets, law enforcement, storm water drainage, or schools.
- 38.4.2 As conditioned, the proposed use would be adequately served by facilities and services. Therefore, this standard would be met.
- 38.5 The proposed use will not create excessive additional requirements at public cost for public facilities and services:
- 38.5.1 Based on the application materials and agency comments received, the proposed garage and accessory dwelling unit would not have any elements that would create requirements at public cost for facilities and services.
- 38.5.2 The proposed use would not create excessive additional requirements at public cost for public facilities and services. Therefore, this standard would be met.
- 38.6 The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare or odors.
- 38.6.1 The proposed garage and accessory dwelling unit would not be detrimental to any persons, property or general welfare in the vicinity.
- 38.6.2 *Noise and Vibration:* Noise and vibration would be minimal during the construction of the proposed garage and accessory dwelling unit. The noise resulting from the operation of the accessory dwelling unit would be minimal as the use of the development would be residential.
- 38.6.3 *Heat, Steam, Odors, Smoke and Dust:* The operation of the proposed development would not generate excessive heat, steam, odors, smoke or dust associated with the residential use.
- 38.6.4 *Erosion:* The subject property is not located within an area of geologically hazardous soils.
- 38.6.5 *Water Quality:* The proposed development would not have any impact on water quality. The accessory dwelling unit is not anticipated to result in adverse impacts to the water quality in the vicinity.

- 38.6.6 *Wastes and Physical Hazards:* No wastes or physical hazards have been identified.
- 38.6.7 *Electrical Disturbance:* The proposed development would not result in electrical disturbances. The garage and accessory dwelling unit would be supplied power through the Chelan County PUD.
- 38.6.8 The proposed use would not involve uses, activities, processes, materials, equipment and conditions of operation that would be detrimental to any persons, property or general welfare. Therefore, this standard would be met.
- 38.7 Proposed ingress and egress, driveway widths, parking and street improvements shall be approved pursuant to applicable chapters of the CMC and the Cashmere Design Standards Manual.
 - 38.7.1 Proposed ingress and egress, driveway widths, parking and street improvements would be evaluated at the time of building permit submittal.
 - 38.7.2 As conditioned, this standard would be met.
- 38.8 Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate and protect adjacent properties from potential adverse impacts of the proposed use, including visual and/or auditory effects.
 - 38.8.1 The surrounding properties are developed with single-family residences, accessory structures, and manufactured homes that are similar in design, construction, and visual and/or auditory effects as the proposed garage and accessory dwelling unit. The proposed development would not cause adverse impacts to adjacent properties. Pursuant to CMC Section 17.56.020(B)(2), the proposed use is exempt from landscaping standards.
 - 38.8.2 The proposed use would not cause adverse impacts, including visual and/or auditory, to adjacent properties which are developed with similar structures. Therefore, no mitigation would be required.
- 38.9 Conditional use permits shall comply with the CMC and all applicable local, state and/or federal regulations.
 - 38.9.1 Based on the application materials, the proposed garage and accessory dwelling unit would comply with all applicable local, state and/or federal regulations including building, zoning, and accessory dwelling unit regulations in the CMC.
 - 38.9.2 As conditioned, the proposed conditional use would comply with the CMC and all applicable local, state and/or federal regulations. Therefore, this standard would be met.
- 38.10 A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the CMC, except as modified by the approval of the conditional use permit and the standards of this chapter or as otherwise specified in the CMC.
 - 38.10.1 Based on the application materials, the proposed garage and accessory dwelling unit would comply with the standards of the Suburban

Residential (SR) zoning district in the City of Cashmere Urban Growth Area, and the standards of this chapter, including the standards for accessory dwelling units and conditional uses.

38.10.2 The proposed use would ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the CMC. Therefore, this standard would be met.

38.11 The hearing examiner may, in addition to the standards and regulations specified in the CMC, establish other conditions found necessary to protect the health, welfare, safety and interest of surrounding properties, the neighborhood and the city as a whole. These conditions may address the following:

38.11.1 Increasing the required lot size or yard dimensions;

38.11.2 Limiting the coverage or height of buildings;

38.11.3 Mitigating traffic impacts through on-site and off-site improvements;

38.11.4 Increasing the number of off-street parking and loading requirements;

38.11.5 Limiting the number, location, design and size of signs and illumination devices;

38.11.6 Increasing required landscaping components to reduce noise and visual impacts, including glare;

38.11.7 Specifying time limits for construction and operation;

38.11.8 Requiring performance assurances acceptable to the city attorney;

38.11.9 Specifying time frames for compliance review; and

38.11.10 Other conditions deemed appropriate to address the requirements and intent of this chapter, the CMC and comprehensive plan.

38.11.11 Based on the application materials, the proposed garage and accessory dwelling unit would not pose any undue affects to the public health, safety, and welfare.

38.11.12 No additional conditions *have been set.* ~~are recommended.~~

39. Cashmere Municipal Code Section 17.72.110. The minimum conditions for accessory dwelling units shall be as follows:

39.1 Only one accessory dwelling unit shall be allowed per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot.

39.1.1 The proposed accessory dwelling unit would be the only one on the subject property, in conjunction with the existing single-family residence.

39.1.2 The proposed development would satisfy this requirement.

39.2 An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit.

39.2.1 Based on the site plan of record, the proposed accessory dwelling unit would be located on top of the proposed two-car garage, which would be detached from the existing single-family dwelling unit.

- 39.2.2 The proposed garage and accessory dwelling unit would be detached from the existing single-family residence. Therefore, this requirement would be satisfied.
- 39.3 The property owner (which shall include title holders and contract purchasers) shall occupy either the primary unit or the accessory unit as their permanent residence. An annual ownership certification shall be required to ensure this condition is maintained.
 - 39.3.1 Based on the application materials, the existing primary residence would be occupied by the property owner as their permanent residence.
 - 39.3.2 The property owner would occupy the primary dwelling unit as their permanent residence. As conditioned, this requirement would be satisfied.
- 39.4 The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit.
 - 39.4.1 Based on the site plan of record, the proposed accessory dwelling unit would be located on top of the proposed two-car garage, which would provide parking spaces for the unit. There are also two parking spaces in the existing two-car garage, and parking in the driveway.
 - 39.4.2 Two additional parking spaces will be provided. Therefore, this requirement would be satisfied.
- 39.5 The floor area for the accessory dwelling unit shall in no case exceed 900 square feet, nor be less than 300 square feet, and the accessory dwelling unit shall contain no more than two bedrooms. Additionally, the square footage of the accessory dwelling unit shall be no more than 50 percent of the area of the primary single-family dwelling.
 - 39.5.1 The proposed accessory dwelling would be 900 square feet and would contain two bedrooms. The floor area of the primary single-family dwelling is 2,345 square feet according to Assessor's records.
 - 39.5.2 The proposed accessory dwelling unit would satisfy the floor area, bedroom, and size requirements.
- 39.6 An accessory dwelling unit, together with the primary single-family dwelling unit and other accessory buildings or structures with which it is associated, shall conform to all other provisions of this code, and no variance of yard setback or building lot coverage requirements will be granted.
 - 39.6.1 Based on the application materials, the proposed accessory dwelling unit would conform to all other provisions of this code and would not require a variance of yard setback or building lot coverage requirements.
 - 39.6.2 This requirement would be satisfied.
- 39.7 The accessory dwelling unit shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies.
 - 39.7.1 Compliance with the International Building Code, International Fire Code, and other local, state and federal agencies would be reviewed at

the time of building permit submittal. Based on comments received from the Chelan County Fire Marshal on November 12, 2021, both the existing single-family residence and proposed garage and accessory dwelling unit would require a fire sprinkler system.

- 39.7.2 As conditioned, the proposed development would meet the requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies.
- 39.8 The accessory dwelling unit shall have separate utility connections. However, the property owner, as shown on the Chelan County assessor records, shall be responsible for ensuring the utility bills associated with both the primary and accessory are paid in a timely fashion.
 - 39.8.1 Based on the application materials, the accessory dwelling unit would have separate utility connections and the property owner would ensure that the utility bills associated with both residences are paid on time.
 - 39.8.2 As conditioned, this requirement would be satisfied.
- 38.9 Future subdivision shall require compliance with all applicable provisions of the CMC including, without limitation, minimum lot size and yard area requirements.
 - 38.9.1 Based on the application materials, the applicant is not proposing to subdivide the subject property at this time.
 - 38.9.2 As conditioned, this requirement would be satisfied.
- 38.10 Conversions of accessory storage structures, including without limitation garages and carports, to accessory dwelling units shall only occur when that existing structure meets the required yard setbacks for a residence, including without limitation the rear and side yard requirements.
 - 38.10.1 Based on the application materials, the applicant is not proposing to convert any existing accessory structures to accessory dwelling units. The proposed accessory dwelling unit would meet the required yard setback for a residence.
 - 38.10.2 As conditioned, this requirement would be satisfied.
- 39. An open record public hearing after due legal notice was held using Zoom video conferencing on January 5, 2022.
- 40. Staff indicated at the hearing that the Fire Marshall had withdrawn the requirement for sprinklers as originally required in his November 12, 2021 comment. Accordingly, no fire provisions are included as conditions.
- 41. Appearing and testifying was the Applicant/property owner, Casey Dundas. Mr. Dundas testified that proposed Conditions of Approval were acceptable to he and his wife, and that they agreed with all representations contained in the staff report, except that there is only one bathroom proposed.
- 42. No member of the public testified at this hearing.
- 43. The Chelan County Hearing Examiner considered all evidence within the record in rendering this decision.

43. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has authority to render this Decision.
2. The proposed development would meet the goals and policies on the City of Cashmere Comprehensive Land Use Plan and the unique characteristics of the Suburban Residential (SR) zoning designation.
3. The proposed development meets the intent of the goals and policies of the City of Cashmere Comprehensive Plan for residential uses.
4. The subject property and proposed development would meet all applicable zoning requirements.
5. The proposed use would be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all subarea plans.
6. The proposed use would be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
7. As conditioned, the proposed conditional use would comply with the CMC and all applicable local, state and/or federal regulations.
8. The proposed use would ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of the CMC.
9. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.

III. CONDITIONS OF APPROVAL

All conditions imposed by this decision shall be binding on the applicant, which includes the owner or owners of the properties, heirs, assigns, and successors.

1. Pursuant to Cashmere Municipal Code Section 17.72.020, permits for conditional property uses shall be signed by the hearing examiner and shall stipulate restrictions or conditions which may include a definite time limit, provisions for a front, side or rear yard greater than the minimum requirements of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restrictions, conditions or safeguards that would uphold the spirit and intent of the zoning ordinance and mitigate any adverse effect upon the neighborhood properties by the reason of the use, extension, construction, or alteration allowed.
2. Pursuant to Cashmere Municipal Code Section 17.72.030, if not otherwise specified by the hearing examiner, conditional property use permits shall expire at the end of a period of one year from the time they are granted if the use for which the permit is granted is not established by that time.
3. Pursuant to Cashmere Municipal Code Section 17.72.110(G), the applicant shall submit a building permit that meets the requirements of the International Building Code and the International Fire Code, health district and all other local, state and federal agencies for the garage and accessory dwelling unit.

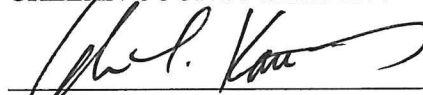
4. Pursuant to Cashmere Municipal Code Section 17.72.050(B), the proposed use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
5. Pursuant to Cashmere Municipal Code Section 17.72.050(F), the proposed use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare or odors.
6. Pursuant to Cashmere Municipal Code Section 17.72.050(G), proposed ingress and egress, driveway widths, parking and street improvements shall be approved pursuant to applicable chapters of the CMC and the Cashmere Design Standards Manual.
7. Pursuant to Cashmere Municipal Code Section 17.72.110(C), a notice to title shall be recorded prior to building permit issuance stating the property owner occupies either the primary residence or the accessory dwelling unit.
8. Pursuant to Cashmere Municipal Code Section 17.72.110(E), the accessory dwelling unit shall in no case exceed 900 square feet and shall contain no more than two (2) bedrooms. Additionally, the square footage of the accessory dwelling unit shall be no more than 50 percent of the area of the primary single-family residence.
9. Pursuant to Cashmere Municipal Code Section 17.72.110(H), the accessory dwelling unit shall have separate utility connections. However, the property owner, as shown on the Chelan County assessor records, shall be responsible for ensuring the utility bills associated with both the primary and accessory are paid in a timely fashion.
10. Pursuant to Cashmere Municipal Code Section 17.72.110(I), future subdivision shall require compliance with all applicable provisions of the CMC including, without limitation, minimum lot size and yard area requirements.
11. Pursuant to RCW 27.53.020, if any Native American grave sites or archaeological resources are discovered or excavated, the owner/developer/contractor shall stop work immediately and notify Chelan County Department of Community Development and the Washington State Department of Archeology and Historic Preservation.
12. An inadvertent discovery plan must be submitted with the building permit application and kept onsite during all land disturbing activities.

IV. DECISION

Based upon the above noted Findings and Fact and Conclusions, CUP 2021-443 is hereby **APPROVED**.

Dated this 7 day of January, 2021.

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.